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INTERIM REPORT

OF THE

STUDY GROUP ON LABOUR LEGISLATION

NATIONAL COMMISSION ON LABOUR

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FOREWORD

The National Commission on Labour appointed the Study Group on Labour Legislation in its attempt to understand and evaluate the evolving pattern of Industrial Labour Legislation since Independence. The Study Group was required to analyse available information and project its thinking on labour legislation for the years to come taking into account the possible developments in the field. The Study Group has submitted an Interim Report.

The views expressed in the report are the views of the Study Group. In examining them for framing its final recommendations, the Commission will attach due importance to these views coming as they do from knowledgeable persons interested in labour legislation. In the meanwhile, the interim report is being published by the Commission with a view to seeking comments on it from persons/institutions interested in labour legislation.

The Commission is grateful to the Chairman and Members of the Study Group individually for their interim report. The Commission is also grateful to all persons/institutions who may have helped the Study Group in reaching conclusions.

P. B. Gajendragadkar
Chairman

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Chapter I

INTRODUCTION

Constitution of the Study Group

1.1 The National Commission on Labour, by its Memorandum No. 6(10)/67-NCL dated 25th April 1967, appointed the following persons to constitute the Study Group on Labour Legislation :—

1. Shri S. Mohan Kumaramangalam,
   Advocate, Radha Nilayam,
   8/5, Nungambakkam High Road,
   Madras-34. — Chairman
2. Shri N. M. Barot,
   Textile Labour Association,
   Ahmedabad. — Member
3. Shri G. B. Pai,
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   70 Apollo Street,
   Fort, Bombay-1. — Member
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   Advocate, C/o Aiyer & Dolia,
   8 High Court Chambers,
   Madras-1. — Member

1.2 Shri K. R. Wazkar was appointed to act as the Member-Secretary to the Study Group.

1.3 The National Commission on Labour on the 28th April 1967, in modification of its Memorandum No, 6(10)/67—NCL dated 25th April 1967, appointed

Shri Ishwar K. Ramrakhiani,
Labour and Personnel Adviser,
Chamber No. 37, 1st Floor,
Tardeo Airconditioned Market,
Bombay-34,

as the Associate Secretary of the Study Group.

1.4 On the 2nd May 1967, in further modification of the afore-mentioned Memorandum,

Shri C. Ramanathan,
Labour Law Officer,
Southern India Mill Owners' Association,
Coimbatore,

was appointed as a Member of the Study Group.

1.5 On 30th November 1967 in further modification of the afore-mentioned Memorandum,

Shri C. J. Venkatachari,
Retired Dy. Legislative Counsel,
Ministry of Law,
A—20/47, Lodi Colony,
New Delhi-3,

was appointed as a Member of the Study Group.

Meetings of the Study Group

1.6 The Study Group held the following meetings :—

(1) On the 17th June 1957 at Bombay.
(2) On the 29th and 30th July 1967 at Madras.
(3) On the 8th, 9th and 10th September 1967 at Bombay.
(4) On the 1st and 2nd October 1967 at New Delhi.
(5) On the 9th and 10th December 1967 at Bombay.
(6) On the 24th December 1967 at Bombay.
(7) On the 19th, 20th and 21st January 1968 at New Delhi.

1.7 Dr. P. B. Gajendragadkar, the Chairman of the Commission, informally addressed the Study Group at its first meeting and explained the nature of the task entrusted to the Group and stressed the importance of the results of its study in the evolution of satisfactory legislation in the context of the present socio economic conditions and planned economic development of the country.

Method of Study

1.8 During its preliminary meetings, on the basis of a study of 47 Central enactments, 61 State enactments, in all 108 enactments (Annexure I), and on a comparative study of the structure and content of 46 foreign enactments on industrial and social legislation (Annexure II), the Group was of the opinion that formulation of a comprehensive Labour Code for India incorporating the salient provisions of all these enactments was possible and desirable.

1.9 The preparation of the Draft Code was divided into four stages :

STAGE I—It was decided tentatively to have 15 chapters for the Code and the preparation of drafts of these chapters was divided between the members of the Study Group.

STAGE II—During the second stage, the draft of each chapter prepared by individual member was to be discussed and approved by the Study Group as a whole.

STAGE III—Stage III covers the revision and final drafting of the chapter by Shri Venkatachari, the Draftsman Member of the Group.

STAGE IV—Stage IV covers discussion and final acceptance of the revised draft by the Study Group as a whole.

Progress Report

1.10 The work of Stage I is nearing completion and substantial progress has been made in Stages II and III. It is expected that the Study Group will be able to submit the preliminary draft of the Code to the National Commission on Labour by the end of May 1968 and the final draft of the Code by the end of September 1968.

Chapter II

HISTORICAL SURVEY

Early Legislation

2.1 In the history of labour legislation we find that the earliest attempt to 'regulate' employment consisted of enactments such as the Workmen's Breach of Contract Act of 1859 and Employers and Workmen (Disputes) Act of 1860, which rendered workmen liable to penal consequences under the India Penal Code, 1860, for breach of contract. Thereafter legislative measures were taken in respect of labour in the plantation industry when that industry in Assam was confronted with the problem of scarcity of labour. The employers were unable to get labour force from distant provinces. A series of Acts were passed between 1863 and 1901 providing for indenture labour. The system instead of solving the problem of adequate supply of labour created new difficulties. To obviate these, in 1901 the Assam Labour and Emigration Act was passed. The first enactment for regulating working conditions in mines was also passed in 1901.(1)

2.2 An enactment to regulate the conditions of labour in factories in India was passed in the year 1881 and for a number of years no important Act dealing with labour was placed on the statute book. That Act was a simple measure intended primarily to protect children who were then employed in large numbers and to provide for some health and safety measures. The Act was inadequate in many respects which led the Government of India to reconsider the law almost immediately after it was passed and a commission was appointed in 1890 to examine the question and to make recommendations. As a result of the recommendations of the commission a new Act was passed in 1891. For the next 20 years there was no change in the law. In 1911 the new Factories Act was passed which regulated for the first time the hours of work of men. The Act was amended from time to time in 1923, 1926 and 1931. As a result of the recommendations of the Royal Commission on Labour, more

1. Indian Labour Year Book - 1948-49, pp. 46-109.

popularly known as the Whitley Commission, a revised and more comprehensive Act was passed in 1934. The Act was amended on not less than seven occasions and was finally replaced by a new Act in 1948 which came into force with effect from 1st April 1949. (2)

2.3 Each labour enactment has history of its own, with political, economic and social background. It would not, therefore, be possible nor desirable to trace the historical growth of each labour enactment which is on the statute book at present. General survey will show that the labour legislation has grown in magnitude keeping pace with the rapid industrialization of the country after 1920. The World War I (1914-18) did give an impetus to certain industries, mainly textile and jute but there was not much industrialization or labour legislation during that period. The period immediately after the first World War was a period of intense industrial unrest, because the cost of living of industrial workers was steadily rising and wages did not rise in the same proportion. The discontent of the workers was voiced through a number of strike committees formed during the period. (3)

Impact of World War I

2.4 At the conclusion of the first World War there was a general awakening among working classes largely due to increased knowledge of general economic conditions and of the trade union movements in other countries. At the end of the first World War after the Treaty of Versailles, the International Labour Organisation came into existence on the 11th April 1919. That organisation more popularly known as "ILO" is an association of nations created with a specific task, *viz.*, "to improve the working and living conditions of the workers all over the world." The term "working conditions" covers conditions prevalent in the factories or at the place where the workers work and the term "living conditions" covers the conditions of labour or the care of the workers outside the factory or the place of work. The latter includes the schemes of health, welfare, education, etc. The International Labour Organisation from time to time adopted conventions and recommendations which are in turn ratified by member countries. The consequential follow-up of these ratifications resulted in legislative enactments. The influence

2. Vide Indian Labour Year Book, 1948-49, p.46.
3. Vide Indian Labour Year Book, 1948-49, p.127

of the International Labour Organisation has been one of the powerful external factors, which has contributed towards the growth of labour legislation in India. The post-war period also saw the growth of the trade union movement in India. "Various factors, such as the influence of the Russian Revolution of 1917, the establishment of International Labour Organisation in 1919 and the All India Trade Union Congress in 1920, the Swaraj Movement in 1921-24 and above all success of the strikes which occurred, all influenced the growth of trade union movement in India in its early states. (3) It also influenced the pattern of labour legislation in India. The first really beneficient legislation for labour was enacted in 1923, namely, the Workmen's Compensation Act, 1923. But there was no law for the protection and registration of trade unions till 1926. The need for such a law was felt in 1921, when in a suit against the Madras Textile Labour Union, the High Court of Madras following the common law in England, held that to form trade unions amounted to being parties to an illegal conspiracy. (3)

The Appointment of the Royal Commission

2.5 The next important event was the appointment of Royal Commission on Labour popularly known as the whitley Commission which was set up in 1929 and which made its report in 1931. The Commission studied in detail the problems of the workers in factories, plantations and other places. The Commission made in its report a series of recommendations on all aspects of labour problems including employment of women and children, migration, hours of work, conditions of work, industrial relations, etc.

2.6 The important recommendations on the question of labour legislation are indicated below :

(i) Changes in hours of work and other working conditions in factories were suggested. This necessitated consequential amendment of the Factories Act.

(ii) It was recommended that the law should establish standards for seasonal factories not necessarily identical with those of perenial factories, but enforced with equal vigour. The law should be framed with regard to the requirements of seasonal factories and exemptions to meet pressure of work limited to exceptional cases.

(iii) Legislation regarding deductions from wages and fines is necessary and desirable.

(iv) Legislation should be enacted, providing for the payment of wages within 7 days from the expiry of the period in which they have been earned in the ordinary case and as early as possible but not later than 2 days from the date of discharge in the case of an operative who is discharged.

(v) The law of Payment of Wages should be applicable to factories, mines, railways and plantations and should provide for possible extensions to other branches of industry.

(vi) Legislation should be enacted providing a summary procedure for the liquidation of workers' unsecured debts.

(vii) Maternity benefit legislation should be enacted throughout India on the lines of the schemes operating in Bombay and the Central Provinces.

(viii) The Workmen's Compensation Act should be extended to cover as completely as possible the workers in organized industry, whether occupations are hazardous or not ; and there should be a gradual extension to workers in less organized employment, beginning with those who are subject to most risk. The Act should cover workmen in factories, mines, docks, oilfield, seamen, workmen on plantations, workmen engaged in the operation of mechanically propelled vehicles for the transport of passengers and commercial purposes; workmen engaged in the construction, maintenance or demolition of canals, sewers, public roads, drains, embankments, excavations, bridges, and workmen engaged in the generation and distribution of electric energy.

(ix) The Employers and Workmen (Disputes) Act of 1860 should be repealed.

(x) Some statutory machinery will be permanently repuired to deal with trade disputes and it will be necessary to consider the form which such machinery should take before the Trade Disputes Act (of 1929) expires in 1934.

(xi) On the subject of statistics and intelligence, legislation should be adopted preferably by the Central Legislature, enabling the competent authority to collect information from employers regarding the remuneration, attendance and living conditions

(including housing) of industrial labour, from merchants regarding prices, from money lenders regarding loans to workers and from landlords regarding rentals.

(xii) Legislative power in respect of labour should continue with the Central Legislature and provincial legislatures should also have power to legislate. Labour legislation undertaken in the provinces should not be allowed to impair or infringe the legislation of the centre, or its administration.

(xiii) If labour legislation is central the authority finally responsible for such legislation must be Central Legislature. If labour legislation is to be decentralised, some co-ordinating body (like Tripartite Industrial Council) will be necessary.

(xiv) The possibility of making labour legislation both a federal and a provincial subject should be considered. If federal legislation is not practicable, efforts should be directed to securing that, as early as possible the whole of India participates in making progress in labour matters.

2.7 As a result of its recommendations, the Tea Districts Emigrant Labour Act was passed in 1932. The Factories Act was thoroughly overhauled in 1934. The Trade Disputes Act, 1929, was amended and permanently placed on the statute book in 1934. The Children (Pledging of Labour) Act was passed in 1933, the Indian Dock Labour Act in 1934 and the Payment of Wages Act was passed in 1936. Most of the recommendations in respect of the Workmen's Compensation have been implemented. Out of 24 labour enactments passed by the Central and Provincial Legislatures during the years 1932-37, as many as 19 were designed to implement the Commission's suggestions. Following these recommendations, various provinces passed maternity benefit legislation. Since then many committees and commissions were appointed in individual States, the recommendations of which have resulted in new legislation and amendment of existing Acts.

Appointment of Rege Committee

2.8 The Labour Investigation Committee known as Rege Committee was appointed towards the end of 1943. It examined existing labour legislation and made recommendations in its report which was submitted in March 1946.

The Rege Committee inter alia made the following observations and recommendations :

(i) Although it is now more than half a century that the State has been interested in labour legislation the progress achieved is somewhat disappointing ..... The standard adopted for enforcement of existing labour legislation have differed widely as between various provinces and states inter se (p. 378).

(ii) Many recommendations made by the Royal Commission in regard to reform of labour conditions on plantation still remained unimplemented (p.379).

(iii) Most of the labour legislation in India has been Central and Provincial Governments have largely exercised their rule making power. This responsibility has been discharged by different provinces in different ways and degrees and the intentions of legislature have not always been fully carried out (p. 379).

(iv) Although so far as labour legislation is concerned there has been considerable progress since the date of the publication of Royal Commission's Report, the progress has been slow and halting. The Committee suggested that there should be a Labour Code "for regulating the conditions of work and wages of industrial labour." (p. 384)

(v) According to the Government of India Act, 1935, the labour subjects were included in the concurrent list. —Part II (Legislative lists in Schedule III to the Act). The scheme of distribution of powers has resulted in complete lack of uniformity both in regard to policy and action. (p. 385)

(vi) The standards of inspection in different provinces vary immensely. The standards in most provinces are poor and moreover even the strength of the inspectorates is miserably small. If factory inspectorate were a central responsibility, this state of affairs could not have arisen (p. 385).

(vii) The collection of statistics, under the Industrial Statistics Act, 1942, in regard to labour matters is a subject falling under the concurrent list—Part II. Owing to this provincial Governments have to be

cajoled into taking action under the Act, and as a consequence the Industrial Statistics Act has become almost a dead letter .. Unless the distribution of powers under the Constitution is suitably revised, so far as labour and social security are concerned future progress in this regard is bound to be seriously hampered (p. 386).

Impact of World War II

2.9 The pace of the industrial growth was further accelerated during the second World War (1939-1945). During the period of World War II, through the the Defence of India Rules made under the Defence of India Act, 1939, provision for compulsory adjudication of industrial disputes and prohibition of strikes and lock-outs was made with a view to further the war effort and maintain production.

2.10 The International Labour Organisation which survived the second World War emeged stronger and it set before itself the task of dealing with post-war problems. It redefined its aims and purposes. The principles, which should inspire its policy as well as that of the member-States, were laid down in the Declaration of Philadelphia on 26th May 1944. Amongst its aims and objects, inter alia, it laid down the following :—

I (A) That labour is not a commodity;

(B) That freedom of expression and association are essential to sustained progress;

(C) That poverty anywhere constitutes a danger to prosperity everywhere ;

(D) That the war against want requires to be carried on with unrelenting vigour.

II That all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being in conditions of freedom and dignity of economic security and equal opportunity.

III That each nation should strive:

(A) to achieve full employment and the raising of standards of living ;

(B) to achieve the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill

and attainment and make their greatest contribution to the common well-being ;

(C) to have all facilities for training and the transfer of labour, including migration for employment and settlement ;

(D) to ensure the minimum living wage to all employed;

(E) to recognise the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures ;

(F) to secure the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care ;

(G) to secure adequate protection for the life and health of all workers in all occupations;

(H) to make provision for child and maternity protection ;

(I) to make provision for adequate nutrition, housing and facilities for recreation and culture ; and

(J) to give assurance of the equality of educational and vocational opportunity.

IV To assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade. (4)

2.11 India is a member of the International Labour Organisation. During the last about 48 years, the International Labour Organisation has adopted numerous conventions. Our country has ratified a large percentage of these conventions and accepted several recommendations. These conventions have covered a variety of subjects like hours of work, maternity protection, prevention of night work for women, minimum age for seamen, workmen's compensation, holidays with pay, old age insurance, sickness insurance, right of association, right to organize and bargain collectively and methods of improving industrial relations by joint

4. Vide "Lasting Peace the I.L.O. Way, Story of International Labour Organisation, Geneva, 1951, pp. 21, 22 and 23."

collaboration between employers and workers, settlement of disputes by conciliation, mediation or arbitration, etc.

2.12 The other external factors which influenced labour legislation in our country are firstly the labour legislation in industrially advanced countries like U.K., U.S.A., Canada and Australia ; and secondly the increased importance given to workers in the countries of Eastern Europe which adopted the socialist economic system. After the second World War the ideas of social justice have considerably advanced and it is not surprising that these ideas have had an impact on labour legislation in India. The ideas of social justice continue to change even now and in effect labour legislation is a result of evolution of the concept of social justice and as such reflects the correct social value of a community. (5)

Independence and After

2.13 Since independence it has been the declared policy of the Government to associate both employers' and workers' representatives in the consideration of all questions affecting labour. This association is in evidence at all levels, *i.e.* from the undertaking at the bottom to the industry or the nation as a whole at the apex. Out of this came the idea of associating labour in discussions, consultations and conferences. After the experiment of holding Labour Ministers' Conference in 1940, 1941 and 1942, we have now a number of tripartite bodies which have been set up and which constitute the forum for discussions and consultations. The important among such bodies are : (i) Indian Labour Conference, (ii) Standing Labour Committee, (iii) the Committee on Conventions, (iv) Industrial Committees, and (v) a few other committees of tripartite character. At the sessions of these tripartite bodies various questions are discussed from time to time and decisions are taken either for amendments of the existing laws or enacting new legislation. The legislation (i) to regulate working conditions of motor transport workers, (ii) for the welfare of the workers in the beedi and cigar establishments and to regulate the conditions of their work, (iii) for payment of bonus are instances of new legislation which earlier came up for discussion and consideration at the sessions of the Standing Labour Committee.

5. Vide Article on "Labour Legislation in India" by Dr. V.G. Mhetras, Bombay Labour Gazette, May 1966 (pp. 1416-1422) and June 1966 (pp. 90-1596).

2.14 In the Constitution of India the subject of labour legislation falls under concurrent list (Entries 22 to 25 of the Seventh Schedule). The basis for suitable legislation for labour has also been provided in the directive principles of State policy in Article 43 of the Constitution of India, which runs as follows :

> "43. Living Wage, etc. for workers—The State shall endeavour to secure, *by suitable legislation* or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

Five Year Plans

2.15 Soon after independence, the Planning Commission was set up and it took upon itself the task of preparing the First Five Year Plan. The first plan covers the five financial years from 1951-52 to 1955-56. On its success the Planning Commission was encouraged to draw the second plan for the financial years 1956-57 to 1960-61 and thereafter the third plan from 1961-62 to 1965-66. The Planning Commission was enjoined to make an assessment of the material, capital and human resources of the country and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements, to formulate a Plan for the most effective and balanced utilization of the country's resources, to define the stages in which the Plan should be carried out and propose the allocation of resources for the due completion of each stage, to indicate the factors which are tending to retard economic development, and determine the conditions which, in view of the current social and political situation, should be established for the successful execution of the Plan, to determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the Plan in all its aspects. The three successive Plans also laid down the labour policy and programme to be carried out during the respective periods. The Five Year Plans have also laid down certain basic concepts and principles as regards (1) workers' right of association and organization,

(2) the machinery and procedure for compulsory adjudication of disputes, and (3) implementation of awards, agreements, etc. The observations of the Planning Commission could be summarized under the above heads as follows :—

> "The workers' right of association, organisation and collective bargaining is to be accepted without reservation as the fundamental basis of mutul relationship. The attitude to trade unions should not be just a matter of toleration. They should be welcomed and helped to function as part and parcel of industrial system" (p. 573)—First Five Year Plan.
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> "A strong trade union movement is necessary both for safeguarding the interest of labour and for realising the target of production. Multiplicity of unions, political rivalries, lack of resources and disunity in the ranks of the workers are some of the major weaknesses in a number of existing unions" (p.572)—Second Five Year Plan.
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> "Another step in building up strong unions is to grant them recognition as representative unions under certain conditions. In some States the industrial relations code provides for recognition when a union's claim of sufficient paying membership is expressed as a percentage of union members to the total number of workers the union claims to represent. The percentage entitling recognition may differ from State to State according to the stage of development of the trade union organization. Since recognition has played a notable part in strengthening the movement in some States, it is suggested that some statutory provision for securing recognition of unions should be made by States where such provision does not exist at present. In doing so the importance of one union for an industry in a local area requires to be kept in view. It is equally important that while mere numbers would secure recognition to a union, it should, for functioning effectively, exhaust the accepted procedure and the machinery for the settlement of disputes before it has recourse to direct action." (p.573)-Second Five Year Plan.
>
> "The machinery and procedure relating to compulsory arbitration and adjudication of disputes

should be so designed as to secure the essence of a fair settlement based on the principles of natural and social justice with the minimum expenditure of time and money. To achieve the aforesaid aims, statutory provisions in this connection should be framed in accordance with the following principles :

(i) Legal technicalities and formalities of procedure should be reduced to the minimum, the relevant facts and figures should be furnished quickly and attention should be focussed on the material points in issue.

(ii) The machinery and procedure should be adopted to the varying needs. Every dispute should be taken up for final disposal directly at a level suited to the nature and importance of the case. Relatively simple or less important matters should not entail a disproportionate expenditure of time and attention.

(iii) Selection, recruitment and training of the personnel of the Courts and Tribunals should be carried out with a view to securing competent disposal of the question coming up before them and the requisite technical help should be provided to obtain speedy settlement and to avoid miscarriage of justice.

(iv) There should be no appeal from decision of an industrial court or tribunal barring the very exceptional case of a decision which may be found to be perverse or against the principle of natural justice.

(v) The provision of law should be adequate for securing strict and prompt compliance with the term of any award or decision" (p.574) - First Five Year Plan.

"While the responsibility for implementation should be mainly of the employer (public or private) an appropriate tribunal should be constituted for enforcing compliance. It should be possible for the parties to have direct approach to the Tribunal. The Tribunal should also be empowered to interpret the scope and meaning of the directives contained in awards.

In respect of findings which are not enforceable in financial terms the tribunal should have the power to require Government or some designated executive authority to secure specific performance within a given period" (p. 576)—Second Five Year Plan.

"Legislation should be undertaken to regulate working conditions in construction industry and transport services. As to shops and commercia establishments, most States have their own legislation. Working conditions of such employees in other States should be regulated." (p. 582) - Second Five Year Plan.

2.16 As will be seen from Annexures I and II, most of the legislative enactments, both Central and State, have been added to the statute book after 1946. An attempt was also made by the National Labour Relation Bill, 1950, to codify at least some of the important provisions of the labour laws but this Bill did not find a place on the statute book.

Chapter III

NEED FOR LABOUR CODE

Analysis of Legislation

3.1 An analytical study of the legislation over the past hundred years reveals a positive shift in legal and social thinking on the law of employment. During the last century, the courts very often considered a trade union as a criminal conspiracy and not as an institution essential for the true fulfilment of democratic ideas. Even legislative support was given to indentured labour and to penal contracts. With advance of progressive thinking, labour's right to collective bargaining was more and more recognized and improvement in terms and conditions of service was essentially left to the field of collective bargaining through organized trade unions.

3.2 Juristic ideas of worker's rights have undergone a revolutionary change since the last war. It is now universally accepted that labour is no longer a commodity and the worker should not only be justly compensated for the services rendered by him to the industry but is also entitled to receive a fair share in the prosperity of the industry. Enlightened ideas of employment also require progressive participation by the workmen in the management of the industry. It is now settled law that contests between capital and labour have to be determined more from the standpoint of status than of contract. (1) In a series of decisions, the Supreme Court has laid down that the tribunals appointed under the Industrial Disputes Act, 1947, and corresponding State legislation, have the power to redraw the contracts of employment to subserve the requirements of industrial peace and avoidance of clashes between labour and capital to the detriment of the community at large. The relation of the rights of the individual to those of his fellow individuals in the community has gradually led to a profound modification of the legal values of modern democracy. It has increasingly tempered individual right by social duty. Democratic communities have universally, though with varying speed and

1. D.N. Banerji vs. P.R. Mukherjee & Ors., 1953 SCR 302 at 308
2. W. Friedmann, Legal Theory, Fifth Edition.

intensity, accepted the principle of social obligation as limiting individual right. (2)

3.3 The intense legislative activity, following independence, has kept in view these changes in the trends of legal thinking. Wherever legislative activity has lagged behind the needs of the times, attempts have been made through tripartite conferences to work out agreed ideas, aimed at the progressive realization of the directive principles of State policy embodied in the Constitution, thereby ensuring for the working people a better standard of life and better conditions of service. Judicial dicta have also added flesh and blood to the bare bones of statute law and a considerable amount of industrial law, therefore, exists outside actual legislation.

3.4 There are on the statute Book about 108 enactments, both Central and State. Inevitably the necessity to legislate with speed, both in the Centre and the State, has led to prolixity and repetitiveness in legislation. However, out of this mosaic pattern of Indian legislation, certain uniform standards must be evolved and incorporated into an all-India Code without detriment, either to the national interest or the interests of the working class, and at the same time safeguarding the gains made by labour and also standardizing terms and conditions of service in the interest of production and economic growth.

3.5 Any social law to be effective should not only be broad based and pervasive but should be simple and direct so that it could be understood and respected and, therefore, accepted by the masses it seeks to govern. Its implementation should be easy so that the benefits could flow speedily and the access to the law should be inexpensive so that to the person denied or aggrieved the law is a reality as well as a true instrument of relief.

3.6 It is in the background of these general principles that the Study Group had to consider its recommendations, and discussions have revealed a unanimity for a simplified standardized Labour Code on an all-India basis as a true solution to the progressive amelioration of conditions of labour without impairing the drive towards higher productivity. The Study Group is of the opinion that such a course would, on the other hand, further the cause of increased production in the background of industrial peace.

3.7 It was accepted by the Study Group that the legislative policy in the sphere of social laws should necessarily be rooted in the socio-economic objectives of the State and the legislative policy underlying the Code should

(i) ensure a machinery for progressive advancement of real wages of workmen in the foreseeable future ;

(ii) ensure increase in production of material goods so that the price line can be maintained and the standard of living increased ;

(iii) reduce work stoppages to the minimum by providing effective machinery for settlement of disputes either through collective bargaining or, if necessary, through a speedy process of industrial adjudication ;

(iv) provide the trade unions their rightful place in the democratic set-up.

3.8 In drafting the Code, the necessity to maintain and increase emoluments and at the same time protect existing privileges have been kept in view.

3.9 The Study Group is of the opinion that amalgamation and consolidation of the existing legislation should be accompanied by certain changes in the following fields :-

(1) Standardization of definitions.

(2) Constitution of common authorities both executive and judicial and the creation of two all-India cadres—

(i) Labour Judicial Service ; and

(ii) Labour Administrative Service.

(3) Standardization of terms and conditions of service.

(4) Integrated scheme of social security.

(5) Simplification of procedure with a view to speedy implementation and quick and inexpensive remedies.

(6) Adequate statutory provision for recognition of unions.

Standardization of Definitions

3.10 It was decided that as far as possible, the basic definitions should be collected in one chapter in the Code and wherever special definitions are found necessary for any particular purpose, say, for any particular type of establishment, such definitions should be introduced at the appropriate place. Twenty-three definitions which are common throughout the Code have been thus included in the preliminary chapter. These definitions are: adolescent, adult, allocable surplus, apprentice trainee, appropriate government,

award, child, closure, dependant, employee, employer, establishment, labour dispute, lay-off, lock-out, officers, order, remuneration, retrenchment, settlement, stoppage, strike and week. The following four important terms have been amended and consolidated :-

(a) Employer
(b) Employee
(c) Remuneration
(d) Establishment

3.11 EMPLOYER : In the Industrial Disputes Act, 1947, there is no positive definition of the term 'employer' and for this purpose a definition has been incorporated in the Code as the Study Group throughout kept in view a positive approach in drafting the enactment.

3.12 EMPLOYEE : There is no uniform word to describe a workman in the existing legislation. In certain enactments, he has been termed a 'worker' while in others a 'workman' while still in others an 'employee'. From the different terminology, the Study Group selected the term 'employee' to describe the working man.

3.13 On an analysis of the existing definitions, it was felt that definitions were not sufficiently wide to cover all categories of employees who should be normally brought within the ambit of the Code. The Study Group also noticed a marked tendency in the recent legislation to enlarge the meaning of the term 'workman' so that more and more people could come within the protected purview of labour legislation. Thus, while the earlier enactments like the Payment of Wages Act, 1936, and the Workmen's Compensation Act, 1923, set salary limits for providing relief, the Industrial Disputes Act, 1947, originally did not contain any such salary limitation. The definition was enlarged from time to time to take in its ambit more and more categories of workmen and even supervisors were included by the 1956 amendment though in their case a salary limit was imposed. In the Payment of Bonus Act, 1965, the salary limit of an employee entitled to bonus was enhanced to Rs. 1600.00 per month. The Payment of Bonus Act, 1965, apart from increasing the salary limit, has also taken within the purview of the term 'employee' every person employed in manual, supervisory, managerial, administrative, technical or clerical work and to this extent has entirely changed the content and character of the definition of 'employee' or 'workman' so far adopted by legislation.

3.14 In the result, therefore, we have the following position :—

(i) In the Trade Unions Act, 1926, the Shops and Establishments Acts of various States, the Employees' State Insurance Act, 1948, the Factories Act, 1948, and the Payment of Bonus Act, 1965, the definitions of 'workman/employee' are couched in the widest language except for the fact that in the Payment of Bonus Act, 1965, there is a salary limit of Rs. 1600.00 prescribed by the enactment itself.

(ii) In enactments like the Payment of Wages Act, 1936, the Workmen's Compensation Act, 1923, the Employees' Provident Funds Act, 1952, there are salary limits prescribed by the statutes themselves.

(iii) In the case of enactments like the Minimum Wages Act, 1948, and the Industrial Disputes Act, 1947, the categories of employees who can seek benefit are artificially delineated and restricted.

3.15 While the generality of the enactments do not make any artificial discrimination between employee and employee in affording relief, certain enactments particularly those specified in items (ii) and (iii) above do make artificial categorization of employees to whom relief can be given.

3.16 A study of foreign legislation reveals that there are very few countries which seek to exclude any class of employees from the benefits of labour legislation. In this country itself, the Trade Unions Act, 1926, does not set any such limits nor do the Factories Act or the Shops and Establishments Act put any barriers. Therefore, there should be no objection from the point of view of history or logic to define the term 'employee' in its broadest sense. The Study Group, therefore, has decided to give the broadest definition to the term 'employee'. However, certain doubts were expressed regarding the inclusion of managerial and administrative staff within the purview of labour legislation as it was felt that discipline would suffer and there would be no representative of the management left to bargain with the employees. The result would be that the solution of industrial disputes through collective bargaining would suffer. The Study Group felt that there was some justification for this apprehension. It was, therefore, suggested that those employees who fall normally in the category of managerial

staff should have their own trade union and it would be permissible either through legislation or through collective bargaining to circumscribe their activities in certain spheres. Alternatively, it may be permissible as is normally allowed in the Shops and Establishments legislation to exclude a small number of employees not exceeding a fixed precentage of the total number of persons employed, from the purview of the Code. These are matters to which further thought should be devoted and in the final recommendations the Study Group would incorporate the necessary provisions in this behalf.

3.17 REMUNERATION : The definition of the term 'remuneration' is comprehensive and different parts of 'remuneration' have been classified and again defined. The main distinction between wages which are basic and wages which are not (like allowances, bonuses and separation payments) has been maintained. Such definition and sub-definitions make it easy to indicate the part of remuneration which should be the basis not only of wage payments but also of benefits which are based on wage payments. The definition is, therefore, of easy application to differing circumstances.

3.18 ESTABLISHMENT : Th edefinition has been made comprehensive so that no employee remains uncovered by the Code and so that the Code applies with equal force to every form of employment other than domestic and purely governmental employment in this country.

3.19 Apart from these four definitions, in defining the appropriate 'government', the Central Government has been made the 'appropriate government' in respect of Central Government public sector undertakings as this is not clear in the existing definitions. It was felt, in the absence of such a definition, that the Central Government undertakings which have branches all over the country would end up by having differing terms and conditions of service even where such terms and conditions of service have not to be based on purely regional considerations. Such a position would, in the long run, be to the detriment of the employees themselves.

Constitution of Uniform Authorities

3.20 The essence of good legislation is its simplicity and its easy applicability and enforceability. Speedy relief and avoidance of prolonged litigation would ensure better understanding between the employing interest and the emp-

loyees and also ensure progressive improvement in the standard of living. The suggestion of the Study Group is to evolve two separate all-India cadres : (1) Labour Judicial Cadre; and (2) Labour Administrative Cadre.

3.21 The judicial cadre should consist of a hierarchy of tribunals to deal with subjects of differing importance arising under the Labour Code. The judicial officer lowest in the hierarchy or the new entrant should have at least six months training in conciliation and for this purpose should be attached to an experienced conciliation officer to study the process of conciliation which would give him a practical background when he is called upon to decide matters entrusted to him.

3.22 It would be best to evolve a specialized cadre of officials who will deal with all subjects under the Code whether it relates to industrial disputes, factories and establishments or social insurance. If, however, the appropriate government feels such allotment of work would be too burdensome, it can appoint more than one officer in the same cadre to look after the work under different parts of the Code. There should be clear demarcation of the functions of the two cadres and the administrative cadre should not be entrusted with any quasi-judicial function.

3.23 In drafting the Code, care has been taken that speedy and inexpensive remedies are available to the workmen at all stages.

3.24 The Study Group feels that it is essential that the various forms to be returned to the authorities should be standardized and simplified and reduced to the minimum to avoid duplication of work and waste of time.

Uniformity in Conditions of Service

3.25 It was thought desirable that there should be as much uniformity as possible in the matter of service conditions, such as, working hours, spread over, leave, holidays and the like, and in the interest of avoiding disputes to standardize service conditions, wherever possible. A beginning has been made in the Code in the matter of standardizing holidays and leave and this has been done without detriment to the existing privileges of the workmen and provision has been made for monetary compensation wherever such privileges have been affected.

3.26 It was the opinion of the Study Group that there should be statutory standing orders to avoid the cumbersome

machinery of certification prescribed by the existing legislation. In the sphere of wage determination, the Study Group has recommended the incentive wage scheme as an integral part of the wage packet.

3.27 It was decided that a common set of standing orders should be drafted and incorporated in the Labour Code. The statutory standing orders shall be applicable to all the establishments with a provision to seek modification of the standing orders by moving the judicial authority to provide for inherent peculiarities of different industries.

3.28 The standing orders should include the detailed procedure about serving chargesheet, enquiry, time-limit for holding enquiry and punishment for major and minor misconducts. Provision should also be made for an aggrieved employee to take up the matter to the labour court, under certain circumstances.

3.29 The Study Group took note of the trend of recent thinking and legislation to review on merits the decision of the management in a domestic enquiry. The Study Group also took note of the view against such enlargement of jurisdiction as having adverse effects on discipline in industry. It was decided after discussion that a workman should be given the right of access to judicial authority for a review of punishment and such authority should have full jurisdiction to enter into the merits of the case and award appropriate relief. As a safeguard against arbitrary and capricious exercise of power by such an authority an appeal is also provided for. The statutory standing orders will also make a distinction between major and minor misconducts and set a limit to the award of punishment in the case of minor misconducts. All these provisions, the Study Group considers to be eminently satisfactory both from the point of view of capital and labour.

3.30 It was decided to standardize the number of festival-cum-national holidays to seven, it being left to the appropriate governments to fix the five festival holidays taking into consideration the importance and popularity of the festival in each area failing agreement between the parties in this behalf. There should be a provision in the enactment for commuting the benefits in terms of money and compensating the workers for any loss occasioned by reduction of holidays because of standardization.

3.31 Similarly, privilege-cum-casual leave is standardized as 30 days in a year, accumulation to be permitted up to three months. Sickness benefit should be given by the Social Security Corporation and provisions relating to this should have universal application.

3.32 The Code will contain a provision to put a ceiling of 48 hours on weekly hours of work. It will also contain a provision that no employee will be compelled to work overtime without his consent and if he works overtime he should be paid twice the wages. Overtime should not exceed 30 hours a month or six hours a week beyond the fixed hours of work and spread over should not exceed 12 hours in any day.

3.33 Regarding the minimum wages, it was felt that the provisions contained in the Minimum Wages Act, 1948, were broadly satisfactory and they could be simplified and adopted in the Code.

3.34 For fixation of wage above the minimum wage, the normal procedure should be by collective bargaining and failing bargaining, through the judicial machinery provided in the Code. However, where such a wage had to be fixed on an all-India basis, a machinery similar to the existing wage board should be resorted to with certain modifications. The Study Group felt that the present non-statutory wage boards have not proved effective because awards of such wage boards have no mandatory force. Therefore, it is recommended that a statutory wage board should be provided in the place of non-statutory wage boards with the proviso that it should be presided over by a member of the judicial service assisted by two representatives each of employers and employees. The procedure before the wage boards should be simplified and technicalities should be avoided and the decision should be arrived at within a specified period of time. It should be made compulsory that all members constituting wage board should be available at all the hearings. To enable it to come to a speedy conclusion, it should preferably make use of the statistics compiled by the all-India statistical authority under the Code. The wage board should be given power to consider, wherever necessary, regional wages and also fix wages on industry-cum-region basis. However,it should be the endeavour of every wage board to fix wages on an all-India basis or at least to create an atmosphere by its award for ultimately building up a national wage for the industry. A provision should be made in the Code for enjoining the

appointment of a wage board for every industry of an all-India character every five years. The majority award of the wage board should be statutorily enforced. The award should be made within six months subject to an extension which will not cumulatively exceed one year. It was considered advisable that the wage board should not only fix wages but also make a study of workload and recommend incentive wages if it is possible in any case.

3.35 It was felt that the present provisions of payment of Bonus Act, 1965, should be simplified and incorporated in the Code and along wiih the final recommendations, a note should be sent to the National Commission on Labour suggesting further simplification of bonus payments.

3.36 It was decided that in the present context of production in India, an incentive wage scheme is an essential ingredient of the remuneration of a worker and such a scheme should be incorporated, wherever feasible, in all wage payments. The introduction as well as modification of an incentive scheme should be within the purview of normal collective bargaining and should be the subject-matter of a labour dispute. A proper formulation of norms for incentive payments is an essential part of an incentive payment scheme. Where an incentive scheme is mixed up with normal wage payment without keeping the scheme separate, the entire resulting payment should be treated as part of the normal wage. Incentive payments should be included in the wage payment for the purpose of computation of bonus, provident fund, employees state insurance, gratuity, etc.

3.37 The Code should contain a provision making it mandatory that wages should be paid without any non-permissible deduction soon after the end of each wage period. The permissible deductions should broadly follow those laid down in the Payment of Wages Act, 1936.

Integrated Scheme of Social Security

3.38 The Study Group is of the opinion that all the enactments affording retirement benefits and social insurance should be integrated and should be administered by a Social Security Corporation. In the Chapter of Social Security, elaborate recommendations have been made for such integration, creation of separate funds for various benefits providing for voluntary insurance, for statutory benefits like compulsory gratuity, retrenchment, lay-off compensation and

the like and for administration of these funds and for incidental matters.

Simplification of Procedure

3.39 The tribunals constituted under the existing labour enactments are inclined to follow the lengthy and complicated procedure normally followed by courts in civil disputes. This has led to considerable delay in disposal of cases and has led to discontent among working classes who naturally resent the niceties of these procedures particularly when relief is considerably delayed. This has led to severe criticism from various quarters and often times kept industrial relations at unhappy simmering points with consequent effect on production. In view of this, it will be useful to evolve a simplified procedure in the interest of speedy and satisfactory determination of labour disputes.

3. 40 One of the methods for speeding up determination of labour disputes is the prompt compilation of up-to-date and reliable statistics. Therefore, the Study Group has suggested that the machinery for collection of statistics should be strengthened, so that clear evidence and material is available to the parties for placing before judicial authorities. Such statistics should be allowed to be introduced in courts without the formality of support by oral evidence and the judicial authorities should be permitted to presume the correctness of such statistical data.

3. 41 Oral evidence should, as far as possible, be dispensed with unless the judicial authority considers it necessary that such oral evidence should be adduced to clarify facts in a particular case. Evidence should normally be adduced through affidavits and there also the judicial authority should have the discretion to refuse cross-examination where it considers in the circumstances of the case that such cross-examination will not advance the cause of justice.

3. 42 Under the existing laws, there is considerable duplication in the forms and statements to be submitted to authorities and these forms can, with advantage, be simplified and standardized, reducing the many delays in administration and implementation. It will, therefore, be the endeavour of the Study Group to recommend as few forms as possible so that unnecessary work in this behalf can be eliminated.

3. 43 The Study Group was of the opinion that where one or both the parties to the dispute desire that a matter should be taken to the judicial authority, they should

be free to do so and no intervention of the appropriate government would be necessary in such a case. Necessary provision will be made in the Code for this purpose. However, it would be open to the appropriate government even without the consent of either party to refer a dispute to the judicial authority if, in its opinion, it is necessary so to do in the circumstances mentioned in this behalf in the Code.

Recognition of Unions

3. 44 One of the serious lacuna in the present legislation is that there is no all-India enactment which provides for recognition of trade unions. The Study Group recommends that the Labour Code should contain a provision according recognition to the principle of one union for one industry and that the recognition of that principle and its enactment alone will help in establishing stability in employer-employee relations.

3. 45 The Study Group has carefully examined the provisions under the Bombay Industrial Relations Act, 1946, for recognition of representative unions. Under that Act, while the representative union will function in respect of major industrial matters, the nonrecognized unions may also take up matters pertaining to individual employees. The Study Group considered that the provisions for recognition which must be incorporated in the Code should broadly follow the lines of the Bombay Industrial Relations Act, 1946.

3. 46 The Study Group, however, considers that detailed examination is necessary of one aspect of the matter, namely, the question as to how to arrive at a decision regarding the representative character of a union. The Group recognizes that there are circumstances when a representative union may in fact have lost its representative character and nonetheless in view of its legal status, it may continue to wield a dominant influence even though it is not truly representative. In respect of this matter, two opinions have been expressed in the Group. The first is that the provisions under the Bombay Industrial Relations Act, 1946, by which the representative character of a particular union can be challenged by another union on the basis that it has a larger membership than the representative union is enough. The other view is that since workers will continue to be members of a representative union, in order to utilize services of that union in their own interest, though they are really no longer

supporters of that union, mere verification of membership is not a proper test and the more effective method is to reach a decision in the matter by holding a ballot among the workers. The matter is still under discussion in the Group and no final decision has been arrived at.

3. 47 So far as the question of craft union is concerned, the Study Group is of the opinion that craft unions may be recognized where the crafts are defined with such clarity that conflict between the different unions may not easily arise.

3. 48 In a nation which is constantly advancing in industrialization there is simultaneous growth of economic activity in other spheres, namely, trade and commerce, transport of goods, construction of buildings, factories, etc. The labour force is not necessarily confined to large scale factories but the avenues of employment are spread over in ports and docks, shops and establishments, theatres, hotels and restaurants, etc. When these activities increase, the necessity arises for regulating in these areas of employment working conditions, conditions of employment and service, mode of payment of wages and other dues, etc.

3. 49 In the context of the planned economy which has been undertaken during the last 15 years, labour legislation cannot remain static. To meet the requirements and changes in circumstances on account of speedy development and alterations in the economic conditions and also to fulfil the labour programme and policy as set out in the Five Year Plans, labour legislation is required to be amended. It must also be adopted to suit the changing pattern not only in industrial relations but in other spheres. Finally it must be emphasised that the success of legislation does not depend merely on its promulgation but also on its effective implementation,

Chapter IV

SYNOPSIS OF THE CODE

Chapter I - Definitions

4. 1 Following the usual legislative practice in this country, the first chapter is mainly devoted to definitions of the expressions that occur constantly in the Code. The Study Group has evolved as many as twenty-three expressions and although they are largely based on the existing definitions in various enactments relating to labour laws, some important expressions have been recast. The list of the expressions so defined and the reasons for revised definitions have all been given in Chapter III of this Report.

Chapter II - Registration of Establishments

4. 2 In this chapter it is proposed to create an unified central authority for the registration of all establishments including factories, mines, quarries, dock yards, bidi and cigar establishments. Provision will be made enjoining on the employers to file applications for registration containing all relevant details relating to the establishment for the issue of a certificate of registration and a licence for its working. The central authority will be assisted by technically competent officers who will examine the details furnished by an applicant germane to any particular establishment. The central authority would also be required to maintain a register for entering the names of all establishments to which certificates of registration and licences have been granted. Provision will also be made for resolving any doubt or difference arising, whether before or after registration as to the category to which an establishment belongs. The decision of the authority will be rendered final subject to the order of the appellate authority in that regard. Special provision will also be made relating to mines, bidi and cigar factories.

Chapter III - Standing Orders

4. 3 This chapter contains two clauses. The objects and reasons for this chapter are set out in Chapter III of this Report. Provision has been made applying the standing orders set out in a Schedule to this Code to all establishments. Every employer is also required to have the standing orders prominently displayed on the notice board of his

establishment with a translation thereof in the language understood by the employees working in that establishment. The Study Group recognises that there will be some special features in some industries which would require variation of the standing orders. Provision is, therefore, made for enabling variations to be made to the standing orders on an application made to the appropriate judicial authority by any of the parties concerned.

Chapter IV - Terms of Employment

4.4 Provision is made in this chapter for the appropriate Government to take steps to constitute a committee consisting of an equal number of representatives of emp'oyers and employees, which will be presided over by an independent chairman to recommend a minimum wage that should be paid to every worker in an industry. Such a committee will be constituted only if the appropriate Government is of the opinion that the wages paid in any particular industry are less than the minimum wage and the Government will have the power to review the wage so fixed at an interval of not less than two years on the recommendations of a similar committee appointed for the purpose. Provision will also be made for the following :--

(i) on a dispute being raised, empowering a judicial authority to fix a wage at a level higher than the minimum wage after taking into consideration the capacity of the industry and other relevant factors ;

(ii) for the constitution of a Wage Board presided over by a member of the Labour Judicial Service for the fixation of wages on an all-India basis at a level higher than the minimum wages, on the initiative of the Central Government should that Government consider such a step necessary ;

(iii) for the formulation of a scheme to give incentive wages and the manner in which such a scheme should be formulated and for resolving differences of opinion between the parties concerned ;

(iv) for the grant of profit bonus on the lines of the formula laid down in the Schedule to the Payment of Bonus Act, 1965, subject to a minimum of 4% of the wages but not exceeding 20% of the wages and also subject to such changes as may be considered in this behalf by the Study Group during further discussions on the draft Labour Code ;

(v) provision for set on and set off of allocable surplus on the lines of section 15 of the aforesaid Act ;

(vi) for guaranteeing the right of employees to the payment of his wages without any deduction save those specified in the Code ;

(vii) provisions for deductions that can be made from wages, on the lines of section 7 of the Payment of Wages Act, 1936.

Chapter V - Conditions of Service

4.5 This chapter is divided into five parts dealing with-

A Health
B Safety
C Welfare
D Working hours—Weekly and Daily
E Holidays and Leave

4.6 In Part A, all provisions relating to cleanliness, disposal of waste and affluence, eradication of deleterious effects of dust and fuel, lighting, drinking water, conservancy, spittoons and allied topics dealt with in Chapter III of the Factories Act, 1948, and Chapter V of the Mines Act, 1952, are made.

4.7 In part B, all provisions relating to safety in factories and mines, that is to say, those relating to fencing of machinery, regulation of work on machinery unmanned, dangerous operations with a view to prohibit the employment of women, adolescents and children, and to the control and use of specified materials, prohibition of the employment of children on dangerous machines unless he has received sufficient training and his work is supervised and other allied subjects are incorporated.

4.8 In part C, provisions relating to washing facilities, first-aid appliances, canteens, shelters, rest-rooms and lunch-rooms, creches are made. These provisions are modelled on the existing sections in Chapter V of the Factories Act, 1948.

4.9 In part D, it is laid down that the weekly hours shall not exceed 48 and that no employee shall be required to work overtime unless he consents and on his agreeing to work overtime, he shall be entitled to twice the wages. It is also laid down that overtime shall not exceed 30 hours a month or 6 hours a week, beyond the fixed hours of employment, and that spreadover shall not be more than 12 hours.

4.10 In part E, it is specified that privilege-cum-casual leave shall be 30 days in a year and accumulation of period

of leave shall be permitted only up to three months. Provision relating to sickness benefits on the lines of the existing provisions in Employees' State Insurance Act, 1948, is made applicable to all employees.

4.11 Regarding paid national and festival holidays, provision is made restricting the number of national holidays to 2 and festival holidays to 5. According to this provision the days to be declared as festival holidays in a particular establishment shall be decided by mutual agreement between the employer and employees and failing agreement the appropriate Government shall have the power to decide.

4.12 In effect the existing provisions in the Factories Act, 1948, Mines Act, 1952, the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, Plantations Labour Act, 1951, Motor Transport Workers Act, 1961, and the various Shops and Establishments Acts are simplified and brought in one place in this part.

Chapter VI - Regulation of Employment

4.13 In this chapter the Study Group wants to bring all the provisions relating to regulation of employment in the various labour laws in one place. In the first place, provision will be made requiring every employer to notify the vacancies in his establishment to employment exchanges. Secondly, employment of dock workers will also be regulated. Provisions relating to the employment of children, adolescents and women will also be made and a new explanation of the term 'night' based on Article 3 of International Labour Organisation Convention dated 29th October 1919 will also be added. In this chapter, labour inspectors appointed under the Code will also be given the power to have a child or an adolescent employed in any establishment examined by a certified surgeon and the certificate issued by a surgeon in that regard will be made conclusive evidence for the matters stated therein. Every employer will be required to maintain records relating to children and adolescents employed by him. Suitable provision will also be made that information contained in those records should be made available to the employees' representatives on their request. All these provisions are being drafted after taking note of the relevant provisions in the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, Dock Workers (Regulation of Employment) Act, 1948, Factories Act, 1948, Mines Act, 1952, and Motor Transport Workers Act, 1961.

Chapter VII - Apprentices Training

4.14 This chapter reproduces the existing provisions contained in the Apprentices Act, 1961. The Study Group however, proposes to revise this chapter, if necessary, after the full picture of the Code emerges and after ascertaining whether the experience gained so far in the implementation of the Act reveals the need for revising it from a legal point of view.

Chapter VIII - Terminal and Unemployment Benefits

4.15 In this chapter provision for the first time is being made for the grant of gratuity to every employee as a terminal benefit, depending on the span of his service. Such a compulsory statutory provision has so far been made only for the working journalists, although judge-made law has been developing on similar lines in relation to other employees. The Study Group considers that having regard to the industrial practice and judicial opinion, it is only just and proper that a statutory provision in that regard is made.

4.16 A compulsory provident fund scheme is also proposed to be established, with a duty cast on the employer and the employees to make contribution to the fund. The scheme would be modelled on that laid down in the Employees' Provident Funds Act, 1952.

4.17 Provision, inter alia, relating to conditions precedent to retrenchment of employees ; payment of compensation to the employees in case of transfer as well as closure of undertakings; re-employment of retrenched employees; are proposed to be made in this chapter on the lines of the existing provisions in those regard in the Industrial Disputes Act, 1947. The Study Group, however, proposes to eschew all controversy relating to the interpretation of the term 'average pay' by laying down that the element of average pay shall be computed on the basis of the last three months pay of the employee and would also omit the vexatious requirement on the part of the laid off employee to report himself daily to the employer.

4.18 A'though at present the provision relating to the establishment of a provident fund is placed in this chapter, the Study Group is actively considering a proposal to take this feature out of this chapter and include it in Chapter IX, relating to social security, under which a Social Security Fund with three facets is to be constituted. In other words, this chapter will undergo revision both in content and form.

Chapter IX - Social Security

4.19 In this chapter provision is made for the establishment of a Corporation to be known as 'Social Security Corporation' which will have the following three facets.

4.20 It will be charged with the duty of implementing all measures formulated under the Code that are designed to confer 'Social Security' benefits on the employees. Secondly, it should administer the provident funds created for the benefit of the employees. Thirdly, it should also be an insurance corporation accepting premia from the employers who seek to insure their liability to their employees in the matter of grant of gratuity, retrenchment compensation and lay-off compensation.

4.21 Provisions made for the integrated activities of the 'Social Security Corporation' thus obviate the necessity for the various funds under the following enactments, namely,

(i) Employees State Insurance Act, 1948
(ii) Employees Provident Funds Act, 1952
(iii) Maternity Benefits Act, 1961 and the other welfare funds for employees.

4.22 In this chapter, provision will be made to confer juristic personality on the Corporation but the details relating to the administration of the funds and the internal working of the Corporation would be placed in a separate Schedule to the Code.

4.23 The benefits to which the employees are entitled would include:

(i) Sickness and medical benefits
(ii) Accidents and disablement benefits; and
(iii) Maternity benefits.

4.24 Further the manner in which the beneficial provisions should be implemented would also be specified. Provision for maintenance of the accounts of the Corporation and the audit thereof will also be made.

Chapter X - Freedom of Association

4.25 The unfettered right of employees and employers to form organizations to draw up their constitution and rules, to elect their representatives and to make provision for the internal administration, to organize their activities and programmes, is proposed to be statutorily laid down in this chapter.

4.26 Similarly, the right of employees and employers to resort to strike or lock-out will be declared, subject, of course,

to the regulations under the Code. Provisions relating to strikes and lock-outs will also be incorporated and will be modelled on the relevant provisions in the Industrial Disputes Act, 1947.

4.27 In this chapter, provision relating to—

(i) formation and registration of Trade Unions.

(ii) right of Trade Unions to federate and to amalgamate,

(iii) rights and liabilities of Trade Unions,

(iv) circumstances in which a registered Trade Union would forfeit the registration,

(v) funds of Trade Unions, and

(vi) dissolution of Trade Union,

will be made. The proposal is to follow the pattern of Trade Unions Act, 1926, with necessary alterations. The criteria for recognition of Trade Unions will also be laid down.

Chapter XI - Authorities

4.28 The Study Group is of the opinion that for the effective implementation of the provisions of the Labour Code, there should be a common judicial cadre and a common administrative cadre. Provision is, therefore, made for the creation of both the cadres—(i) Labour Judicial Service, and (ii) Labour Administrative Service. The Labour Judicial Service will consist of a hierarchy of tribunals to deal with subjects of differing importance arising out of the Labour Code. Person recruited as a member of the Labour Judicial Service will be given training in conciliation. The Labour Administrative Service would not be entrusted with any quasi-judicial function. Provision laying down a simplified procedure for adjudication of disputes by the Labour Judicial Service will also be incorporated. Attention in this connection is invited to the remarks in Chapter III of this Report on this topic. Provision is made for the constitution of shop-committees and appointment of Conciliation Officers on the pattern of the provisions contained in the Industrial Disputes Act, 1947.

4.29 Provision will be made to encourage bilateral settlements with and without the intervention of conciliation machinery and all provisions of the existing enactments in this behalf protecting agreements entered into either in or outside conciliation will be incorporated.

4.30 Similarly, provision will also be made in this chapter for reference to voluntary arbitration and the Study Group is investigating the possibility of adding a provision to encourage voluntary arbitration, particularly in matters of disciplinary cases and cases relating to interpretation of agreements.

Chapter XII – Collection of Statistics

4.31 This chapter contains 4 clauses and it is based on the provisions contained in the Collection of Statistics Act, 1953. According to clause 1, the Director of Labour Aministration may by a notification in the official gazette direct that statistics shall be collected relating to any matter specified in that section. Care has been taken to avoid conflict of jurisdiction in the matter of collection of statistics. Clause 2 gives power to the Director of Labour Administration or any officer authorized by him in writing to call for information in respect of the matter specified in the notification, and clause 3 gives right of access to the records and documents to the Director or the person authorized for enabling the collection of statistics relating to the matters specified in the notification. Clause 4 prohibits the publication of information and returns except with the consent in writing of the owner of the establishment concerned. The Study Group would assign great importance to the function of the authorities in this behalf for the reason that the use of statistical information has been recommended in a larger measure as conclusive evidence before the judicial authorities in order to simplify and expedite judicial proceedings.

Chapter XIII – Remedies

4.32 This chapter is devoted to the setting up of machinery to enable an employee to realize by civil process the money due to him and other benefits not capable of being computed in terms of money. In other words, provisions made in several enactments regarding claims, computation of monetary or non-monetary benefits due to employees and recovery thereof, power to recover damages and right to recover certain sums by employers and execution of the orders passed by a Labour Court or Labour Tribunal and rights in special cases of social insurance corporation, are all sought to be brought in one place.

4.33 Detailed remarks are called for in respect of only two provisions, one relates to the duty cast on a Labour

Court to keep the petition relating to a claim of an employee pending on its file even after orders are passed with a view to see whether the employer concerned has discharged his obligation under the orders, and, if not, to set coercive processes in motion for the realisation of the amount. The second provision relates to the power of the Labour Court to appoint any person as commissioner and to authorize him to take all steps necessary for the conferment of any benefit to an employee not capable of being computed in terms of money, should the employer make a default in that regard.

Chapter XIV – Offences and Penalties

4.34 This chapter relating to Offences and Penalties is drawn up—

(i) to state in simple words, what would constitute an offence under the Code and what penalties should be awarded for the contravention of the provisions of the Code, the scheme or the rules made thereunder ;

(ii) and a general section relating to punishment with a view to avoid repetition of the provision for punishment for each and every offence under the relevant section of the Code.

4.35 Withholding of information, and improper disclosure of information have been declared offences under the Code. Penalties for declaring illegal lock-out or closure and illegal strike or stoppage and for instigation of illegal strike or lock-out and illegal closure or stoppage, have been laid down. The usual provision relating to offences by companies is also incorporated.

4.36 The most important provision in this chapter is that which declares that default by an employer in the payment of any money due to the employee under the terms of the award would be an offence and would be tried by the Labour Court which passed the award through proceedings initiated by the aggrieved employee himself. Such prosecution, however, would lie only if the money due to the employee remains unpaid for more than three months. For all offences other than that referred to above, the sanction of the Director of Labour Prosecutions would be a condition precedent. Provision has also been made for appeal against the order of refusal to grant sanction.

Chapter XV - Miscellaneous

4.37 In this chapter all provisions which are felt necessary for the administration of the Labour Code and which cannot easily be classified as falling within the purview of the preceding chapters will find a place. This chapter will necessarily undergo revisions and with each revision it may become enlarged.

4.38 The Study Group, however, has decided that the following should find a place in this chapter :

Provision—

(i) relating to institution of proceedings and to the determination of occupier in certain cases ;

(ii) prohibiting the levy of any charge or fee on employees for facilities or conveniences afforded to them ; requiring employers to maintain registers in certain cases ;

(iii) affording protection to any person for anything done or intended to be done in pursuance of the Code, the scheme and the rules made thereunder ; and

(iv) for delegation of powers.

4.39 It is also proposed to incorporate a provision for declaring that the contracting out by any employee from the beneficial rights under the Code will be null and void. Usual provisions relating to savings and repeal will also be made. Further, a substantive provision will also be incorporated in this chapter declaring that the period of limitation for every cause of action under the Code will be that specified in the Schedule annexed to the Code.

General

4.40 It is proposed to introduce certain provisions in Chapter V of the Code, namely, Conditions of Service, relating to employment of contract labour. Provisions will be made to safeguard the interest of the workmen employed by contractors and wherever necessary, even to prohibit employment of contract labour in specified circumstances. This will be done on the lines of the proposed legislation in respect of employment of contract labour, namely, Bill to Regulate Employment of Contract Labour,108 of 1967, Gazette of India, Extraordinary, Part II, dated 31st July 1967, p. 618.

4.41 The Study Group does not consider it feasible to include in the ambit of the Code terms and conditions of

employment relating to seamen which should be made the subject-matter of a separate legislation. At present these are found in the Merchant Shipping Act, 1958 (XLIV of 1958) and the Seamens Provident Fund Act, 1966.

4.42 As already stated in Chapter I, the chapters of the Labour Code have not been finally drafted and the synopsis based on the general picture that has emerged so far will naturally undergo certain modifications and alterations depending on the final discussions held by the Study Group.

Chapter V

SUMMARY OF RECOMMENDATIONS

Uniform Labour Code

5.1 The Study Group recommends that there should be a uniform labour legislation, called the Labour Code.

5.2 The Code will consolidate and codify and to the extent necessary, amend or add to all existing legislation on employment, welfare, social security and insurance, industrial disputes and trade union organizations and other related matters.

5.3 The Study Group recommends that the Code, while amalgamating and consolidating existing labour legislation, will contain important changes in the following fields —

(a) Standardization of definitions.

(b) Constitution of common authorities, both administrative and judicial, and creation of two all-India cadres—(i) Labour Judicial Service, and (ii) Labour Administrative Service.

(c) Standardization of terms and conditions of service.

(d) Integrated scheme of social security.

(e) Simplification of procedure with a view to speedy implementation and quick and inexpensive remedies.

(f) Adequate statutory provision for recognition of unions.

5.4 The Code will contain the following 15 chapters :—

(1) Preliminary including definitions

(2) Registration of Establishments

(3) Standing Orders

(4) Terms of Employment

(5) Conditions of Service

(6) Regulation of Employment

(7) Apprentice Trainees

(8) Terminal and Unemployment Benefits

(9) Social Security

(10) Freedom of Association

(11) Authorities
(12) Statistics
(13) Remedies
(14) Offences and Penalties
(15) Miscellaneous

5.5 The purpose of codifying all enactments into one central code is to make it applicable to all forms of employment in the industrial and trading spheres including government employees in such spheres and as such, the definitions of the terms have to be comprehensively and widely worded.

Definitions

5.6 Twenty-three definitions which are common throughout the Code have been included in the preliminary chapter and the terms which are peculiar to a particular chapter are defined in that chapter.

5.7 Common definitions included in the Code are: adolescent, adult, allocable surplus, apprentice trainee, appropriate government, award, child, closure, dependant, employee, employer, establishment, labour dispute, lay-off, lock-out, officer, order, remuneration, retrenchment, settlement, stoppage, strike, week.

5.8 The following four important terms have been amended and consolidated :—

(a) Employer
(b) Employee
(c) Remuneration
(d) Establishment

5.9 There is no positive definition in the Industrial Disputes Act, 1947, for either employer or establishment and it was thought necessary in the interest of clarity that both these terms should be elaborately defined and for this purpose definitions in other labour enactments in India and elsewhere have been scrutinized. The present definitions are comprehensive.

5.10 The differing definitions of the terms 'wages' and 'workman' occurring in various labour enactments have led to considerable hardship as well as unnecessary litigation. On an analysis of the different definitions and the problems arising out of such differences, the Study Group is convinced that it has never been the intention of the framers of the

various enactments to deprive any particular set of employees of protection, remuneration and other basic privileges.

5.11 In this connection, the Study Group has also considered the propriety of leaving out certain managerial and supervisory cadres from the existing definition of the term 'employee' and the Group is satisfied that no valid reason exists to deprive them of the security of employment and other benefits guaranteed under labour legislation. Hence the recommendation to include them in the definition of the term 'employee' in order to bring them within the purview of the Labour Code which would also permit them to form separate managerial unions. Further, the Group accepts the position that certain restrictions may have to be imposed on these managerial unions particularly in respect of strike situations.

Authorities—Judicial and Administrative

5.12 As at present constituted, the various enactments have their own judicial, quasi-judicial, and administrative authorities to implement provisions of those enactments. It has been found in practice that the functions of a number of authorities overlap each other and no clear-cut procedure is laid down for the functioning of these authorities. In the interest of speedy implementation of the provisions of the Code and to ensure quick and inexpensive remedies, it was thought necessary that all these authorities should be integrated into two cadres, judicial and administrative, and their functions clearly demarcated and procedures simplified. A suitable provision should be made for training of the judicial cadre in the techniques of conciliation and similar work done by the administrative cadre.

Terms and Conditions of Service—Standing Orders

5.13 The terms and conditions of service under the Code will be standardized. As a first step, it was decided that the present system of certification of Standing Orders should be given up and statutory Standing Orders should be evolved with a provision for variation of Standing Orders to suit the peculiarities of particular industries. This variation will be effected through the judicial machinery provided under the Code on the application of any party concerned.

Leave and Holidays

5.14 Similarly, it was decided to standardize conditions of service like privilege-cum-casual leave at 30 days

a year and holidays at 7 days in the year, with a provision to give monetary compensation to employees, wherever their existing privileges are affected, by a suitable formula being engrafted in the Code for this purpose.

Domestic Enquiry and Procedure for Disciplinary Action

5.15 The Study Group was of the opinion that the evaluation and codification of a clear-cut procedure in respect of disciplinary enquiries would avoid unnecessary litigation and hardship to the workers and provisions have been made in the Code in this behalf.

5.16 With regard to the terms of service, as already pointed out, a comprehensive definition of remuneration has been adopted. It was thought by the Study Group that a provision for incentive wage should be made an integral part of remuneration and the norms should be decided through committees consisting of representatives of employers and employees. This would also assist towards evolution of a healthy participation as well as increasing productivity.

Wage Boards

5.17 The normal machinery for the fixation of minimum remuneration would be the appropriate government. Resort is provided to the judicial authority for the fixation of wages above the minimum level. In addition, where an all-India wage fixation above the minimum level is found necessary, a wage board composed of a member of the judicial cadre assisted by representatives of employers and employees should be set up. The Study Group is of the opinion that the non-statutory wage boards functioning in their present form have not been effective.

Social Security

5.18 An integrated scheme of social security has been recommended in the Code. This scheme covers the benefits in enactments such as the Employees' State Insurance Act, 1948, the Workmen's Compensation Act, 1923, the Maternity Benefits Act, 1961, and the Employees' Provident Funds Act, 1952. It also provides for voluntary insurance in respect of compulsory gratuity, retrenchment compensation and lay-off compensation. An integrated machinery is provided for the administration of the various schemes and benefits. Thus the Social Security Corporation has the additional function of an insurer, apart from carrying out its other statutory obligations.

Procedure before Judicial Authorities

5. 19 Apart from the creation of common judicial and administrative cadres, it was also thought necessary that the procedure before the various authorities should be simplified and made speedy and effective. The normal practice followed in courts of an elaborate procedure of evidence by production of documents through witnesses and by oral evidence has to be substituted to a large extent by allowing parties to rely on non-controversial statistical data provided by appropriate authorities under the Code or through affidavits of parties and witnesses. It was also thought necessary to vest in the judicial authority the discretion to refuse cross-examination on affidavits in appropriate cases in order to speed up the trial. The judicial authority under the Code would be a court under the Contempt of Courts Act, 1952, to enable the judicial authority to function with sufficient authority in the interest of justice.

Recognition of Trade Unions

5. 20 Regarding the question of recognition of unions, it was agreed that there must be statutory provision for recognition as that would help substantially towards greater stability of employer employee relations. Further, that where crafts are clearly defined, craft unions may also be permitted to be recognized.

Dated, Madras, the 19th February 1968.

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Annexure I

IMPORTANT CENTRAL AND STATE ENACTMENTS DEALING WITH LABOUR

CENTRAL

Conditions of Service and Employment

1. Indian Boilers Act, 1923.
2. Cotton Ginning and Pressing Factories Act, 1925.
3. Factories Act, 1948.
4. Mines Act, 1952.
5. Tea Districts Emigrant Labour Act, 1932.
6. Plantations Labour Act, 1951.
7. Indian Railways Act, 1890.
8. Dock Workers (Regulation of Employment) Act, 1948.
9. Merchant Shipping Act, 1958.
10. Motor Transport Workers' Act, 1961.
11. Children (Pledging of Labour) Act, 1933.
12. Employment of Children Act, 1938.
13. Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.
14. Apprentices Act, 1961
15. Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
16. Air Corporations Act, 1953.
17. Life Insurance Corporation Act, 1956.
18. Industrial Finance Corporation Act, 1948.
19. State Bank of India Act, 1955.

Industrial Relations

20. Trade Unions Act, 1926.
21. Industrial Employment (Standing Orders) Act, 1946.
22. Industrial Disputes Act, 1947.
23. Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1955.

Social Security Legislation

24. Workmen's Compensation Act, 1923.
25. Employers' Liability Act, 1938.
26. War Injuries (Compensation Insurance) Act, 1943.
27. Employees' State Insurance Act, 1948.
28. Coal Mines Provident Fund and Bonus Schemes Act, 1948
29. Employees' Provident Funds Act, 1952
30. Maternity Benefit Act, 1961.
31. Personal Injuries (Compensation Insurance) Act, 1963.
32. Seamen's Provident Fund Act, 1966.

Wages

33. Payment of Wages Act, 1936.
34. Minimum Wages Act, 1948.
35. Code of Civil Procedure, 1908.
36. Working Journalists (Fixation of Rates of Wages) Act, 1958.
37. Payment of Bonus Act, 1965.
38. Insurance Act, 1938.
39. Banking Companies Act, 1949.
40. Indian Income-tax Act, 1961.

Safety and Labour Welfare

41. Coal Mines Labour Welfare Fund Act, 1947.
42. Indian Dock Labourers Act, 1934.
43. Mica Mines Labour Welfare Fund Act, 1946.
44. Coal Mines (Conservation and Safety) Act, 1952.
45. Iron Ore Mines Labour Welfare Cess Act, 1961.

Holidays

46. Weekly Holidays Act, 1942.

Statistics

47. Collection of the Statistics Act, 1953.

STATE

Conditions of Service and Employment

1. Jammu and Kashmir Factories Act, 1957.
2. Bengal Mining Settlement Act, 1912.
3. Jalpaiguri Labour Act, 1951.

4. Assam Shops & Establishments Act, 1948.
5. West Bengal Shops and Establishments Act, 1963
6. Bihar Shops and Establishments Act, 1953.
7. Bombay Shops and Establishments Act, 1948.
8. Delhi Shops and Establishments Act, 1954.
9. Jammu and Kashmir Shops and Commercial Establishments Act, 1960.
10. Kerala Shops and Commercial Establishments Act, 1960.
11. Madhya Pradesh Shops and Commercial Establishments Act, 1958.
12. Madras Shops and Establishments Act, 1947.
13. Madras Catering Establishments Act, 1958.
14. Mysore Shops and Establishments Act, 1961.
15. Orissa Shops and Commercial Establishments Act, 1956.
16. Punjab Shops and Commercial Establishments Act, 1958.
17. Rajasthan Shops and Commercial Establishments Act, 1958.
18. Saurashtra Shops and Establishments Act, 1955.
19. Uttar Pradesh Shops and Commercial Establishments Act, 1947.
20. Pondichery Shops and Establishments Act, 1964.
21. Pondichery Catering Establishments Act, 1964.
22. Jammu and Kashmir Children (Pledging of Labour) Act, S. Y. 2002.
23. Madras Beedi Industrial Premises (Regulation and Conditions of Work) Act, 1958.
24. Mysore Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1964.
25. Kerala Beedi and Cigar Industrial Premises (Regulation and Conditions of Work) Act, 1961.

Industrial Relations

26. Bombay Industrial Relations Act, 1946.
27. Jammu and Kashmir Industrial Disputes Act, 1950.
28. Jammu and Kashmir Industrial Employment (Standing Orders) Act, 1960.
29. Jammu and Kashmir Trade Unions Act, 1950.

30. Madhya Pradesh Industrial Relations Act, 1960.
31. Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961.
32. Mysore Essential Services (Maintenance) Act, 1943.
33. Mysore Labour (Administration) Act, 1952.
34. Uttar Pradesh Industrial Disputes Act, 1947.
35. Madhya Pradesh Essential Services (Maintenance) Act, 1959.

Social Security

36. Assam Maternity Benefit Act, 1944.
37. Assam Tea Plantations Provident Fund Scheme Act, 1955.
38. Bengal Rural and Unemployment Relief Act, 1939.
39. West Bengal Maternity Benefit (Tea Estates) Act, 1948.
40. Jammu and Kashmir Employers' Liability Act, S. Y. 2000.
41. Jammu and Kashmir Workmen's Compensation Act, S. Y. 2000.
42. Mysore Maternity Benefit Act, 1959.
43. Orissa Maternity Benefit Act, 1953.
44. Punjab Maternity Benefit Act, 1943.
45. Rajasthan Maternity Benefit Act, 1953.
46. Uttar Pradesh Maternity Benefit Act, 1938.
47. Bombay Relief Undertakings (Special Provisions) Act, 1958.

Wages

48. Jammu and Kashmir Payment of Wages Act, 1956.

Safety and Labour Welfare

49. Bombay Smoke Nuisance Act, 1912.
50. Bombay Labour Welfare Fund Act, 1953.
51. Uttar Pradesh Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950.
52. Uttar Pradesh Labour Welfare Fund Act, 1956.
53. Assam Tea Plantation Employees Welfare Fund Act, 1959.
54. Mysore Labour Welfare Fund Act, 1965.
55. Punjab Labour Welfare Fund Act, 1965.

Holidays

56. Kerala Industrial Establishments (National and Festival Holidays) Act, 1958.
57. Madras Industrial Establishments (National and Festival Holidays) Act, 1958.
58. Pondichery Industrial Establishments (National and Festival Holidays) Act, 1964.
59. Uttar Pradesh Industrial Establishments (National and Festival Holidays) Act, 1961.
60. Mysore Industrial Establishments (National and Festival Holidays) Act, 1963.
61. Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965.

Annexure II

SELECTED FOREIGN LABOUR ENACTMENTS

1. Afghanistan Conditions of Employment Act dated 16th January 1946.
2. Angola Labour Code - Legislative Decree No. 2827, to promulgate the Angola Labour Code dated 5 June 1957.
3. Bahrain Labour Code - The Bahrain Labour Ordinance 1957. Dated 28 December 1957.
4. Bechuanaland Protectorate - A law to amend and consolidate the laws relating to labour, to regulate conditions of employment for employers and employees, and to provide for matters incidental thereto. No. 15 of 1963. Assented to 18 November 1963.
5. Brazil - Legislative decree : Consolidation of Labour Laws - Legislative Decree No. 5452, to approve the consolidation of labour laws, Dated 1st May 1943.
6. Canada (Quebec) - Labour Code 12-13 Elizabeth II, Ch. 45 Assented to 31 July 1964.
7. Canada Labour (Standards) Code - 13-14 Eliz. II, Chap. 38, dated 18th March 1965.
8. Congo (Brazzaville) - Act No. 10-64, to establish the Labour Code of the Republic of the Congo dated 25 June 1964.
9. Costa Rica - Act No. 2, to promulgate the Labour Code dated 27th August 1943.
10. Czechoslovakia Labour Code dated 16th June 1965.
11. Dominican Republic - Act No. 2920 to promulgate the Labour Code Dated 11 June 1951.
12. Ecuador - Presidential Decree No. 210 - The Labour Code - Dated 5 August 1938.
13. El Salvador Labour Code - Decree No. 241 dated 23rd January 1963.
14. Ethiopia - Labour Relations Decree No. 49 of 1962 dated 5 September 1962.
15. Gabon - Act No. 88/61 to establish the Labour Code of the Gabon Republic dated 4 January 1962.

16. Gautemala - Decree No. 330, to promulgate the Labour Code dated 8 February 1947.
17. Honduras - Decree No. 189, to promulgate a Labour Code Dated 1 June 1959.
18. Haiti Act, Conditions of Employment dated 5th May 1948.
19. Haiti - Act to promulgate the Labour Code dated 6 October 1961.
20. Indonesia - Conditions of Employment. Law No. 1 to bring the Labour Law (No. 12) of 1948 into operation throughout Indonesia dated 6.1.1951.
21. Iran - Labour Act Dated 17 March 1959 (26 Esfand 1337).
22. Iraq - Labour Law No. 1 of 1958 (1961).
23. Ivory Coast - Act No. 64-200 to establish a Labour Code Dated 1 August 1964.
24. Jordan - Law No. 21 of 1960, to promulgate the Labour Code, Dated 14 May 1960.
25. Lebanon - Labour Code Act Dated 23 September 1946.
26. Libya - Labour Act No. 100 of 1957. Assented to 5 December 1957.
27. Libya Labour Act - Royal Decree dated 22nd November 1962.
28. Malagasy Republic - Ordinance No. 60-119, to establish a Labour Code Dated 1 October 1960.
29. Mali - Act No. 62-67 A.N. - R.M., to promulgate a Labour Code for the Republic of Mali Dated 19 August 1962.
30. United States of Mexico - Federal Labour Act Dated 18th September 1931.
31. Mauritania - Labour Code, Act No. 63-023 Dated 23 January 1963.
32. Nayasaland Labour Code - Ordinance No. 3 of 1954 Dated 28 May 1954.
33. Netherlands Labour Act, 1919 Dated 22 January 1964.
34. Nicaragua 1 Decree : Labour Code. Decree No. 336, to promulgate the Labour Code. Dated 12 January 1945.

35. Nigeria Labour Code No. 54 of 1945, Dated 5 November 1945 (1946).
36. Paraguay Labour Code - Act No. 729 Dated 31st August 1961.
37. Sarawak - Ordinance No. 24 Dated 11th December 1951.
38. Somalia (Italian Trusteeship) Labour Code - Legislative Decree No. 25, Dated 15th November 1958.
39. Spain Labour Code Dated 23rd August 1926.
40. Swaziland Labour Code, African Labour Proclamation 1934, No. 45 of 1954 Dated 15th September 1954.
41. Tanganyika (Trust Territory) Ordinance No. 47 of 1955, Dated 10th November 1955.
42. Turkey - Act No. 3008 Dated June 1936.
43. U. A. R. - Law No. 91 Dated 5th April 1959.
44. Venezuela 1 - Act : Labour Code (Amendments) - Act to amend the Labour Act in certain respects Dated 4 May 1945.
45. Viet-Nam Labour Ordinance No. 15 Dated 8th July 1952.
46. Yugoslavia Labour Code, Dated 12th December 1957.


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