

***Centre for
Labour Welfare
Studies***

April, 2009

Centre for Labour Welfare Studies (CLWS)

The Centre was set up with the support of Sh. P. Ram, IAS, Principal Secretary, Labour Department, vide his DO letter No.PS/PSL/08/1085 dated April 15th, 2008. The objective of the Centre is to undertake research, analysis, survey and training activities in different fields of labour welfare. Shri Tikshan Sood, Hon'ble Labour Minister, Punjab participated in the first conference organized by the Centre on 22nd April, 2008 for critical appreciation of the working of the Labour Department by involving officers of the department at all levels, which unfolded a number of action programmes for research, reforms and training.

Workshop on Implementation Construction Workers Act

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A workshop on both the Acts was accordingly organized on 18th Feb'2009 in the Institute. Shri Tikshan Sood, Hon'ble Labour Minister, Punjab inaugurated the workshop. More than 80 participants attended the workshop. Presentations were made by Labour Commissioner, Haryana, Labour Commissioner, Delhi, and the Dy. Chief Labour Commissioner (C), Chandigarh to share their experiences in implementation of both these Acts. The workshop was highly interactive and a large number of issues including collection of cess and its utilization for the welfare of construction workers were discussed.

The Expert Group meeting on Migrant Labour

Keeping in view the problem of migrant labour, a national level workshop is proposed to be organized by the Centre. In order to identify issues of concern for discussions and the resource persons, an Expert Group Meeting (EGM) was organized at the Institute. The EGM was attended by Dr. Manjit Singh, Professor, Department of Sociology, PU, Chandigarh, Shri Paramjit Singh Sahai, IFS (Retd), Dr. Gopal Iyer, Head of Department (Retd), Department of Sociology, PU, Chandigarh, Dr. Krishan Chand, CRRID, Chandigarh, Shri Jacob Pratap, ALC, SAS Nagar and Shri A.S. Ahluwalia, IES (Retd), Senior Consultant, MGSIPAP, Chandigarh. The meeting identified the problems of housing, health, and non-implementation of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 as appropriate themes for proposed Workshop. The meeting also resulted in identification of a number of resources persons/ institutions on the subject.

Contact: Shri A.S.Ahluwalia; asahluwalia@mgsipap.org; Ph: +91 98880 30760

May 2009

Centre for Labour Welfare Studies

Composite Study of the Urban Poor in Punjab

A composite study of the urban poor in Punjab has been taken up by the Institute through a multi-disciplinary approach by involving its four subject specific centers, namely Labour Welfare Study Centre, Centre for Urban Development & Management, Centre for Poverty Reduction and Centre for Participatory Management & Voluntary Organization.



The respective Centre heads of the Institute participated in a workshop organized at Ludhiana on 19.03.2009

involving officers of the various departments, particularly those of Municipal Corporation, PUDA and Improvement Trust. The discussions were followed by a visit to certain slum areas by a team led by Shri B. K. Srivastava, Director General.

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The team visited the slum settlement in Sarabha Nagar which could not be considered for in-situ upgradation allegedly due to a court ruling against transfer of land use in green belt. The team then visited the slums of Shahid Bhagat Singh Nagar and Bhai Randhir Singh Nagar. At the end of the tour, Giaspura slum upgradation project was visited where a

housing complex of 1696 dwelling units is under construction for resettlement of slum dwellers.



Ludhiana city has 209 identified slums out of which 67 slums were upgraded with basic facilities like water supply, sewerage, roads and street lights. Another 68 slums have been partially upgraded. The remaining slums do not have any basic amenity. Slum consisting of 250 migrant families along the railway line in Bhai Randhir Singh Nagar was studied as typical slum of

non upgraded category. This entire slum has only one common tap for water supply. Almost all huts had TV sets. Here, families from Maharashtra and UP live in separate areas. Living standard of the Marathi speaking families was found to be higher than that of the families from Uttar Pradesh apparently due to smaller family size.

The Labour Department is extremely understaffed compared to its workload. It also lacks facilities of transport and decent office

The men folk were engaged mostly in rickshaw pulling, vegetable selling, meat selling, cattle grazing and begging. Some of them worked as daily wage earners at construction sites. Women mostly worked as domestic help in the nearby localities. Some of the children from the slum are in schools with Punjabi as medium of instruction. This composite study is to be completed by the Institute in about nine months which may result in formulation of a new strategy for dealing with the problems of urban poverty by eliminating the present system of chaotic multiplicity of implementation agencies and schemes. Employment generation through skill development and microentrepreneurship is to be studied in greater detail. The Institute invites suggestions from all concerned, especially those who want to act as a resource person in studying/analyzing any specific aspect of problem.

Study of Schools under National Child Labour Project

Shri A. S. Ahluwalia, Head of the Centre for Labour Welfare Studies in this Institute made an attempt to evaluate the system of education started under the National Child Labour Project of the Government of India for mainstreaming of child labourers rescued from factories and commercial establishments. To begin with, he selected two schools out of nineteen schools being run at Ludhiana under this project. The school located at Ghora Colony near Balmiki Mandir in Industrial Area – A had 49 children and the other at Choudhary Colony at Moti Nagar area had 46 children. There were two general teachers and one vocational teacher in each school. Each school had two rooms. Education from Standard 1st to 5th is imparted to the children in these schools and the students are mainly the children of the migrant labour. Students of these schools are comparatively aged than the normal students.

Two remarkable factors were noticed: (i) that none of these students were actually rescued child labourers, and (ii) that the NGOs managing these schools were not from the field of education. This project was initially started by the Department of Labour, Government of Punjab, but it is now looked after by the Additional Deputy Commissioner (D) at Ludhiana. It is felt that this scheme should be transferred to the Education Department.

Conference on Streamlining Administration of Labour Laws

A conference on the subject was organized on 20th March '09 at Ludhiana under the chairmanship of Sh. B. K. Srivastava, Director General, MGSIPAP. Selected academicians, employers' representatives, trade union leaders and retired/serving officers of the Labour Department from Ludhiana, Jalandhar, and Chandigarh participated in the conference. The lead paper was presented by Dr. Subhash Sharma, Professor of Law, Guru Nanak Dev University, Jalandhar Campus. The conference revealed the following remarkable observations:-

It was felt that the Centre for labour Welfare Studies should set up a Cell at Ludhiana so that labour related studies and capacity building programmes are designed and executed on sustained basis at Ludhiana itself

1. The Labour Department is extremely understaffed compared to its workload. Eight posts of Inspectors out of 13 sanctioned for Ludhiana are lying vacant. It also lacks facilities of transport and decent office accommodation. Surprisingly, this point was raised by employers as well as workers' representatives with equal emphasis.
2. Non-marking of attendance in many factories/establishments was highlighted by Shri Jagdish Chander of CITU and others as a

peculiar phenomenon, which is allegedly sought by employers as well as the employees. The workers want to avoid ESI/PF contributions due to their migrant nature. This situation favours the employers also as it avoids cumbersome formalities and obligations.

3. Shri Sharwan Sehgal, advocate representing employers pleaded forcefully that quasi-judicial powers vested in officers of Labour Department should be withdrawn and restored to labour courts. This plea was strongly opposed by trade union leaders led by Sh. K.S. Rathore of BMS who felt that the officers of the department were practical and pragmatic in dealing with the labour rights.

Dr. Harish Nayyar, Deputy Labour Commissioner concluded the proceedings and remarked that more efforts were required to achieve an atmosphere of trust and inter-dependence between the labour leaders and employers. He pointed out that quantum of back wages should be specified in the awards of labour court in order to avoid uncertainty and further delay in the implementation of the awards. Everybody felt that the Centre for Labour Welfare Studies should set up a Cell at Ludhiana so that labour related studies and capacity building programmes are designed and executed on sustained basis with the expertise and involvement of the resource persons locally available at Ludhiana. Advocates, labour leaders and other professionals volunteered to work for this cell under the leadership of Shri A.S. Talbgar (retd. Joint Labour Commissioner), who is a known figure in the labour studies and administration at Ludhiana.

June 2010

Centre for Labour Welfare Studies

The Centre invites suggestions for identification of issues worth study to streamline labour welfare and regulation. During a recent discussion, Shri S. Krishnan, Special Secretary, Ministry of Labour and Employment, GOI, he emphasized following points worth study: **(i)** Whether the cost of labour was rising in proportion to the rise in cost of production. He was of the view that the cost of labour was not rising as percentage of total manufacturing cost. **(ii)** Construction workers' safety **(iii)** Issues arising from recognized versus unrecognized labour unions **(iv)** Effectiveness of social security schemes **(v)** Quality audit of private skill developers recently engaged by the Ministry for employment generation.

contact: Shri A.S.Ahluwalia; asahluwalia@mgsipap.org; Ph: +91 98880 30760

September 2009

Labour Study Core Groups Constituted

The Labour Welfare Study Centre (LWSC) of the Institute has constituted two Core Groups for Ludhiana and Jalandhar to identify the scope of administrative and policy reforms in labour sector in the State. The Groups would select appropriate areas of research and capacity building of stakeholders. These two groups would be designing and organizing specific training programmes and conducting research studies on labour welfare. The following members constitute these two Core Groups.

Core Group, Ludhiana

1. Sh. A S. Talbgar, Joint Labour Commissioner (Retd), Punjab - Chairman
2. Sh. Satnam Singh, Assistant Labour Commissioner, Ludhiana - Vice Chairman
3. Sh. Des Raj, Advocate, Ludhiana - Member
4. Dr. M.S. Sidhu, Department of Economics, PAU, Ludhiana - Member
5. Shri B.D. Bhardwaj, Senior Manager (IR), Vardhman Spinning and General Mills, Ludhiana -Member
6. Sh. Nageshwar Singh, President Bhartiya Mazdoor Sangh, Ludhiana -Member

Core Group, Jalandhar

1. Sh. Inderjit Singh, Assistant Labour Commissioner, Jalandhar - Chairman
2. Dr. Subash Sharma, Prof. of Law, GNDU & President, INTUC, Jalandhar -Vice Chairman
3. Sh. K.S. Rathore, General Secretary, Bhartiya Mazdoor Sangh, Jalandhar -Member
4. Sh. Iqbal Singh, Advocate - Member
5. Sh. Jai Singh, General Secretary, Volunteers for Social Justice, Phillaur -Member
6. Sh. Amar Nath Yadhav, Social Activist, Jalandhar - Member

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November 2009

Sensitization Workshop on Child Labour

At the request of the Labour Department and the National Human Rights Commission (NHRC), New Delhi, the Labour Welfare Study Centre (LWSC) of this Institute organised a workshop on 4th September 2009 to discuss the Child Labour (Prohibition & Regulation) Act, 1986. The objective of the Act is to prohibit the engagement of children, who have not completed fourteen years of age, in certain employments and further to regulate the conditions of work of children in certain other employments as mentioned in the schedule appended with the Act. Sixty-five participants, who were drawn from amongst the officials of Labour Department, Punjab attended this workshop. The key participants were Shri P. Ram, IAS, Principal Secretary, Labour, Punjab, and Shri Raminder Singh, IAS, Labour Commissioner, Punjab, along with seven NGOs working in the field of welfare and eradication of child labour. Mrs. Madhu P. Singh, Advocate and social activist associated with child labour delivered the welcome address.

Dr.L.D. Misra, Ex. Labour Secretary and presently working as special rapporteur with National Human Rights Commission, New Delhi, delivered the keynote address. Dr Misra reminded that as per Census 2001, there were 1,77,268 children in Punjab working in brick kilns, engineering workshops, auto repair, textile, construction, dabhas, slaughter houses, soap manufacturing, printing presses etc. He remarked that child labour was not an issue of Labour Department alone but an issue with which entire humanity felt concerned. He suggested that cost of non-formal education for two hours at work site itself in respect of rescued child workers should be recovered from the concerned employers. He expressed concern over the mal nutrition amongst the child workers, payment of fewer wage to children in comparison to adult workers. He felt that there was a need to ensure guaranteed right of education to all children, more schools, more teachers, more training schools for teachers, making teaching pleasing and enjoyment. Dr. Misra suggested special measures for providing safety and security to rescued children, formation of task force at the district level, interim rehabilitation and ultimate full rehabilitation of working children along with exclusive frame work at the state level.



Dr. L. D. Mishra addressing the participants

Dr. Helen R. Sekar of V V Giri National Labour Institute, NOIDA felt that it is not realistic to rely only on legal invention to tackle the problem of child labour. Sh. R.A. Mittal, Secretary, Hind Mazdoor Sabha, New Delhi, shared his views on natural and legal rights of the children. Dr. Manjit Singh from Punjab University, Chandigarh, felt that most of the child labourers were of migrant origin and were encouraged to sleep at the work places. Their sleeping hours and leisure hours should be specified along with ensuring hygienic conditions at their sleeping places. Periodic health checkup of child labourers should be made mandatory and cost of medical treatment should be borne by the employers. Mrs. Sangita Vardhan spoke on the role of voluntary sector on elimination of child labour.

The workshop concluded with clause-by-clause interpretation and discussion on different provisions of the Child Labour (Prohibition and Regulation) Act, 1986, supplemented with case law by Shri Roop Chand, Deputy Labour Commissioner (c), Chandigarh.

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