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**STANDING COMMITTEE ON
LABOUR AND WELFARE
(1998-99)**

TWELFTH LOK SABHA

MINISTRY OF LABOUR

*Action Taken by the Government on the Recommendations/Observations contained
in the Fifth Report of the Standing Committee on Labour and Welfare on
Ministry of Labour—Demands for Grants, 1997-98]*

SECOND REPORT



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**LOK SABHA SECRETARIAT
NEW DELHI**

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June, 1998 / Jyaistha, 1920 (Saka)

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STANDING COMMITTEE ON
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(TWELFTH LOK SABHA)

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*[Action Taken by the Government on the Recommendations/Observations
contained in the Fifth Report of the Standing Committee on Labour and
Welfare on Ministry of Labour — Demands for Grants, 1997-98]*

Presented to Lok Sabha on

Laid in Rajya Sabha on

4 JUL 1998

4 JUL 1998

3 JUL 1998



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COMPOSITION OF THE STANDING COMMITTEE
ON LABOUR AND WELFARE
(1998-99)

Shri Harin Pathak — *Chairman*

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2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Manibhai Ramjibhai Chaudhuri
5. Shri Jaysinhji Manshingji Chauhan
6. Shri Chinta Mohan
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22. Shri Ashok Kumar Pradhan

23. Shri Khagapati Pradhani
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Rajya Sabha

31. Shri Govindrao Adik
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SECRETARIAT

- | | | |
|-----------------------|---|-----------------------------|
| 1. Shri G.C. Malhotra | — | <i>Additional Secretary</i> |
| 2. Shri J.P. Sharma | — | <i>Deputy Secretary</i> |
| 3. Shri R.S. Misra | — | <i>Under Secretary</i> |
| 4. Shri S.K. Saxena | — | <i>Committee Officer</i> |

INTRODUCTION

I, the Chairman of the Standing Committee on Labour and Welfare having been authorised by the Committee to submit the Report on their behalf, present this Second Report on the action taken by the Government on the recommendations contained in the Fifth Report of the Standing Committee on Labour and Welfare (Eleventh Lok Sabha) on the Ministry of Labour — Demands for Grants 1997-98.

2. The Fifth Report was presented to the Lok Sabha on 30 April, 1997. The Ministry of Labour furnished their replies indicating action taken on the recommendations contained in that Report on 29 August, 1997. The Report was considered and adopted by the Standing Committee on Labour and Welfare at their sitting held on 16 June, 1998.

3. The Report has been divided into the following chapters:—

- I. Report.
- II. Recommendations/Observations which have been accepted by Government.
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply.
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/Observations in respect of which final replies of Government have not been received.

4. An analysis of the Action Taken by the Government on the Recommendations/Observations contained in the Fifth Report of the Standing Committee on Labour and Welfare (Eleventh Lok Sabha) is given in Appendix.

NEW DELHI;
17 June, 1998
27 Jyaishta, 1920 (Saka)

HARIN PATHAK,
Chairman,
Standing Committee on Labour and Welfare.

CHAPTER I

REPORT

1.1 This Report of the committee deals with the action taken by the Government on the recommendations contained in the Fifth Report (Eleventh Lok Sabha) of the Committee on Labour and Welfare on the Ministry of Labour—Demands for Grants, 1997-98.

1.2 The Fifth Report was presented to Lok Sabha on 30 April, 1997. It contained 20 recommendations. Replies of Government in respect of all recommendations have been examined and are categorised as under:—

- (i) Recommendations and observations which have been accepted by the Government:

Sl. Nos. 4, 12, 13, 14, 15, 16, and 18.

(Total 7 included in Chapter II of the Report)

- (ii) Recommendations and observations which the Committee do not desire to pursue taking into consideration the replies of the Government:

Sl. Nos. 5, 6, 9, 10, 11 and 19.

(Total 6 included in Chapter III of the Report)

- (iii) Recommendations and observations, replies to which have not been accepted by the Committee and which require reiteration:

Sl. Nos. 1, 3 and 7.

(Total 3 included in Chapter IV of the Report)

- (iv) Recommendations and observations in respect of which final replies have not been received:

Sl. Nos. 2, 8, 17 and 20.

(Total 4 included in Chapter V of the Report)

1.3 The Committee will now deal with these action taken replies of the Government which need reiteration or merit comments.

Plan Expenditure

Recommendation (Sl. No. 1, Para 1.9)

1.4 Taking note of the fact that the percentage of plan expenditure during the years 1995-96 and 1996-97 had been 65.23% and 68.81% respectively which was low in terms of the Budget Estimate of these years, the Committee had recommended that the Ministry should make all out efforts for early completion of schemes in hand such as training, schemes pertaining to child labour, rehabilitation of freed bonded labourers, welfare of SCs/STs, Labour Bureau etc. As regards lapses on the part of State Governments towards non-utilisation of funds earmarked under various schemes, the matter should be taken up at the highest level.

1.5 The Ministry of Labour, in their action taken reply, has stated that the shortfall is mainly due to the poor expenditure in few divisions of the Ministry *viz.* schemes pertaining to bonded labour, World Bank projects, child labour cell and schemes relating to welfare of SCs/STs.

Child Labour Cell

1.6. The Ministry of Labour has stated that in case of the child labour cell, the lower expenditure was mainly on account of inadequate expenditure under the National Child Labour Project. The Ministry had prepared a detailed scheme for elimination of child labour in hazardous occupations from 1996-97 to 2001-02 for approval of the EFC. However, this scheme could not be cleared by EFC. As for the ongoing projects, the Ministry has conducted a series of meetings to review the progress in the implementation of the child labour projects. The officers of the child labour cell, also on various occasions, reviewed the programmes of child labour projects at the State level. The desired results, however, are not forthcoming as (a) the EFC does not meet in time and does not accord approval to the continuance of the ongoing projects, not to speak of expansion (b) there are lots of demoralisation and demotivation amongst the field personnel due to the uncertainties in according sanction for continuance of the project year after year (c) the outlay being reduced arbitrarily and the reduction not being related to the need and ground level realities.

World Bank Project

1.7 As regards the World Bank projects, a joint World Bank DGET review was held in New Delhi on 26 May, 1997 followed by the Regional Review Meetings at Bangalore, Delhi and Guwahati. A wrap-up meeting with World Bank Mission, Department of Economic Affairs and State Secretaries was held in New Delhi on 18.6.1997. DGET has also been maintaining a close monitoring for all the components covered under the project. The Labour Minister has drawn the attention of the concerned Chief Ministers for early completion of civil works and filling up of vacant post. A close liaison is being maintained with the NTPC—the procurement agency for timely procurement of equipments and as a result of close monitoring, all the States with a few exceptions have improved their performance further in respect of procurement of equipments, staffing and civil works.

Bonded Labour

1.8 As regards the rehabilitation of bonded labour scheme, the Ministry has stated that the Central Government has advised the State Governments to conduct fresh surveys for identification of bonded labourers. The reports received so far indicate that about 25,000 bonded labourers have been identified. The State Governments have been advised to prepare proposals for rehabilitation of the bonded labourers.

Recommendation

1.9 **The reply of the Government is not convincing insofar as non-utilisation of funds earmarked under various schemes is concerned. As regards the National Child Labour Project, the reply of the Ministry that the scheme prepared by them for elimination of child labour in hazardous occupations could not be cleared by the EFC is not acceptable to the Committee considering the important role played by the special schools set up under the project for eradication of child labour. In their opinion, the matter like child labour project, should have been given more attention. Regarding the scheme relating to rehabilitation of bonded labour, though the Committee have been informed that 25,000 bonded labourers have since been identified yet no seriousness has been shown towards their rehabilitation. The Committee view this situation very seriously. While reiterating their earlier recommendation, the Committee strongly recommend that the matter relating to non-utilisation of**

funds earmarked under various schemes should be taken up with the concerned State Governments at the highest level without further loss of time.

Vocational Training Programme For Women

Recommendation (Sl. No. 3, Para 1.11)

1.10. Taking note of the fact that the percentage of expenditure under Vocational Training Programme for Women (NVTI-New Delhi, RVTI-Mumbai and Bangalore) during the years 1992—96 has been 19.51 only and that the number of trainees trained in a year were only 500, the Committee had recommended that the Ministry should have thorough monitoring over the scheme, make all out efforts to increase the number of trainees and fill up the vacancies of Training Officers without further loss of time.

1.11 In their action taken reply, the Ministry of Labour has stated that the main reasons for slow progress were inability of the State Government of Maharashtra to provide the extra accommodation for the required expansion and procedural bottlenecks in getting the posts sanctioned or revived and then getting them filled up through UPSC. The Ministry has further stated that it is possible to train a large number of women per year provided:—

- (i) the State Government is able to provide the required additional temporary accommodation;
- (ii) the faculty positions do not attract provisions of the routine economy instructions of the Government and are exempted from "deemed abolished" orders; and
- (iii) pending recruitment of regular faculty through UPSC, permission/sanction is accorded to engage part-time faculty or engage competent staff on contract basis, where required.

Recommendation

1.12 **The Committee are not satisfied with the reply of the Government. They are of the view that instead of simply blaming the State Governments for their inability to provide the required additional temporary accommodation, the Ministry should maintain close interaction with the concerned State Governments and regular follow-up action should also be taken at the highest level. As regards**

procedural bottlenecks in filling up of vacant posts, the matter should be taken up with UPSC for early selection of candidates so that the sanctioned posts are not abolished. The Committee are also of the view that pending selection for vacant posts by UPSC, part-time faculty or competent staff should be engaged to enable the institutes to train large number of women.

Strengthening of DGFASLI

Recommendation (Sl. No. 7, Para 2.27)

1.13 The Committee has strongly recommended that DGFASLI organisation should be strengthened to enable them to discharge their responsibilities towards safety and health of Port and Dock workers and the inspectorate for JNPT should be set up immediately.

1.14 The Ministry, in their action taken reply furnished to the Committee has stated that as regards strengthening and providing infrastructure in the organisation particularly in the Dock Safety Division an exclusive plan scheme was prepared during the Eighth Plan proposing the creation of 49 new posts with various other infrastructural facility like vehicles, accommodation for Safety-cum-Training Institutes etc. While posts could not be created during the currency of Eighth Plan, steps are being taken to create posts and strengthen infrastructural facilities. It is also proposed to continue the Eighth Plan scheme activities during the Ninth Plan also in consideration of its importance and thus further strengthening is expected. The Ministry has further stated that the Inspectorate of Dock Safety at JNPT could not be set up due to non-sanction of posts by the Ministry of Finance.

Recommendation

1.15 The reply of the Ministry is not satisfactory. The Ministry cannot remain a silent spectator keeping in view the fact that in some of the ports, Inspectorate of Dock Safety have not been set up so far which is a statutory requirement under the Dock Workers (Safety, Health and Welfare) Act, 1986. The Committee are of the opinion that there should be no compromise insofar as safety of dock and port workers is concerned. Reiterating their earlier recommendation, the Committee desire that DGFASLI organisation should be strengthened and the requisite infrastructure should be provided without further loss of time. As regards creation of posts, the matter should be taken up at the highest level with the Ministry of Finance.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 4, Para 2.11)

2.1 The Committee note that the World Bank Assisted Vocational Training Project which started in the year 1989-90 with a budget allocation of Rs. 441 crores was scheduled to close on 31.12.96. The time for completion of the project has since been extended upto 31st December 1997. The reasons put forth by the Ministry for slow progress of the project are due to delay in clearance of proposal, supplier's inability to complete the supplies in time, financial crunch and power shortage are not satisfying to the Committee. The Committee fail to understand as to how the Ministry would be able to complete the project by the end of December, 1997, the extended period in the absence of supply of equipments and non-completion of civil works required for the project. The Committee view this situation seriously. In their view, the monitoring of the Ministry in this regard has been very poor. The Committee, therefore, strongly recommend that the matter should be taken up at the Minister's level and the Ministry should make all out efforts for completion of civil works and supply of equipments at the earliest to enable them to make the project functional by December, 1997. For this the State Governments and the defaulting suppliers should be pursued at the highest level. Steps taken and progress achieved in this regard should be communicated to the Committee within 3 month's time.

Reply of the Government

2.2 DGET has been taking follow up action in order to complete the project activities as expeditiously as possible. A joint DGET—World Bank review took place during May-June, 1997 at New Delhi, Bangalore and Guwahati where State officials dealing with the project participated. A wrap-up meeting with the officials of the World Bank Mission, Department of Economic Affairs and State Secretaries was held in

New Delhi on 18.6.97 where all the States were requested for early completion of project activities. Secretary (L) also separately reviewed the progress of 3 States (Bihar, Andhra Pradesh and Maharashtra). As a result of tight monitoring, all the States, with a few exceptions have improved their performance further in respect of procurement of equipment, staffing and Civil Works. During the review the World Bank mission has assessed the status of various components in the State sector as satisfactory except procurement of equipment under ICB. The matter has also been taken up at Labour Minister's level with the Chief Minister's of the States/UTs for early completion of Civil Works and filling up of vacant posts. A high level meeting was held in July, 1997 recently with the defaulting suppliers for the supply of remaining equipment under NIT-V. Suppliers are being warned for the delay and punitive action will be taken by terminating the contract in case suppliers failed to supply the promised equipment by Nov, 1997.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendations (Sl. No. 12, Para 2.40)

2.3 As regards functioning of ESI Hospitals directly run by the Corporation, the Committee's experience has not been good. During their on the spot study visit to ESI Hospital, Basaidarapur, New Delhi, the Committee have noted that a number of posts (Doctors, Nurses, and supporting staff) required for running the Hospital are lying vacant. A large number of complaints are being received by the Hospital from patients. The Committee view this situation seriously. They therefore, strongly recommend that the grievances and steps should be taken to minimise the number of complaints being received from the patients. Also steps should be taken to fill up the vacancies without further loss of time. Steps taken and progress achieved should be communicated to the Committee within three month's time.

Reply of the Government

2.4 The ESI Hospital, Basaidarapur was upgraded to 600 beds from 400 beds on 24.2.1993. Accordingly, the additional staff was sanctioned keeping in mind the work load. The various categories of staff posted

at the ESI Hospital, Basaidarapur is regularly being recruited from time to time. The position of staff at present is as follows:—

S.No.	Categories of Staff	Sanctioned	In position	Vacant
1.	Specialists	47	34	13
2.	Insurance Medical Officers	117	64	53
3.	Dental Surgeon	3	2	1
4.	Sr. Resident Doctors	59	47	12
5.	Jr. Resident Doctors	60	54	6
6.	Nursing Staff	327	283	44
7.	Para-medical staff	718	650	68

2.5 Necessary action for filling the vacant posts of IMO's and specialists has since been initiated and the process of recruitment is likely to be completed soon.

2.6 Recruitment has also been made for resident doctors, nursing staff and para-medical staff. DPCs for various senior categories are taking place regularly. To offset the shortage caused by the vacancies of IMOs, 20 Senior residents were sanctioned for the hospital in 1996 and 15 more senior residents were sanctioned in Feb., 1997 to improve the indoor care in the hospital.

2.7 The norms for providing staff to the ESI Institutions are generally liberal compared to the corresponding categories of the general hospitals. Therefore, notwithstanding vacancies to the extent of 10 or 15% the services can be rendered satisfactorily and that is actually the case also. However, the Corporation is taking all possible steps to keep all the posts filled up as expeditiously as possible.

2.8 The system of dealing with the complaints of beneficiaries was reviewed and has been updated as follows:—

- (i) Two senior officers i.e. Addl. M.S. & CMO (Casualty) have been nominated to receive the complaints, monitor them and ensure that proper action is taken.

- (ii) On second and fourth Friday of every month, review meetings are held for discussion/redressal of various complaints and grievances.
- (iii) All Heads of the Department/Unit Incharge are now taking frequent rounds in OPDs and other functional areas. They interact with the patients and their relatives to ensure that the old, disabled and seriously ill patients are given priority. They also ensure that the waiting time for OPD Patients is minimised and in general take remedial measures regarding any complaint received by them.

2.9 During the meeting held till now, no written complaints have been received till date from any of the patients attending ESI Hospital, Basaidarapur.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 13, Para 2.54)

2.10 The Committee take a serious note of the fact that the Ministry of Labour has furnished the same reply which they furnished a year back in regard to amendment of the EPF & MP Act, 1952 in order to check unscrupulous employers indulged in unfair practices. Out of 320 million workforce, only about 21 million have so far been covered under the existing Act. The Committee are not happy with the situation. In their view the enforcement machinery of the organisation is not upto the mark. The Committee, therefore, strongly recommend that in order to provide social security to an ordinary labour, responsibility should be fixed on enforcement officers of the area and concerned Regional Provident Fund Commissioners in case it is found that establishments otherwise fulfilling the criteria for coverage have not been covered under the existing Act. Also the existing Act should be amended at the earliest as was recommended by the Committee in their Eleventh Report on Demands for Grants 1995-96. Steps taken and progress achieved in this regard should be communicated to the Committee within three month's time.

Reply of the Government

2.11 In order to minimise unfair practices by unscrupulous employers, it has been decided to abolish the provision of 3 years

infancy period and make the establishments coverable under the EPF & MP Act from the date of their set up. Necessary Amendment Bill in this regard has since been introduced in the Rajya Sabha on 7.8.97. The recommendations of the Committee regarding fixing of responsibility on the Enforcement Officers of the area and concerned Regional Provident Fund Commissioners in case of not covering the establishments which fulfil the criteria of coverage have since been communicated to all the Regional Provident Fund Commissioners. They have also been advised to take strict action against the officers responsible for not covering the eligible employees under the Act.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 14, Para 2.55)

2.12 As regards recovery of outstanding dues, the Committee regret to note that a large number of cases are pending with the organisation under Sections 7A, 8, 8B, 8F, 14 and 14B of the existing Act for quite a long time. The Committee view this situation very seriously. They, therefore, urge upon the Government to have a thorough monitoring in the matter and ensure that the pending cases under the aforesaid Sections of the Act are disposed off at the earliest. The Committee would also like to have details of such cases pending with all Regional Provident Fund Commissioner Offices alongwith their dates of pendency. Also steps should be taken to get the legal cases under Section 406/409 of the Indian Penal Code disposed off quickly. Progress achieved in regard to disposal of cases should be communicated to the Committee within three months.

Reply of the Government

2.13. The EPF Organisation has been asked to monitor pendency of the cases under various sections of the EPF & MP Act, 1952. The Organisation has framed a Central Action Plan through which monthly progress achieved in different areas by all the Regions is analysed and suitable instruction/advice is given to the concerned officers wherever any improvement is required. The progress of disposal of cases is also discussed in quarterly meeting of all the R.P.F.Cs.

2.14 The number of cases pending under section 7A in the different Regional Offices as on 30th April, 97 is as under:—

Name of the Region	Balance
Andhra Pradesh	296
Bihar	282
Delhi	514
Gujarat	912
Haryana	411
Karnataka	214
Kerala	129
Maharashtra	946
Himachal Pradesh	610
North Eastern Region	73
Orissa	361
Punjab	318
Rajasthan	332
Tamil Nadu	274
Uttar Pradesh	424
West Bengal	434

2.15 As the number of pending cases is quite large, it is difficult to furnish the date of pendency in each case. During April, 1997 total 636 cases were disposed of. As regards the cases pending under Section 406/409 of the L.P.C the R.P.F.Cs have been instructed to get their disposal expedited.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 15, Para 2.66)

2.16 During their on-the-spot study visits to Regional Offices of Employees Provident Fund Organisation, the Committee have noted that a large number of complaints regarding delay in disposal of cases, delay in issuance of cheques, cheques misplaced etc. are being received by the organisation from subscribers. The Secretary, Ministry of Labour admitted during the evidence that he was not personally satisfied with the functioning of the Employees Provident Fund Organisation in all respects. The Committee view this situation very seriously. They, therefore, strongly recommend that the Ministry should have thorough monitoring over the functioning of the Employees Provident Fund Organisation and Grievance Redressal Machinery of the Organisation should be further strengthened. Also personal contacts between the subscribers and employees of the regional offices should be minimised. Steps taken in this regard should be communicated to the Committee within three months time.

Reply of the Government

2.17 The working of the EPF Organisation is being regularly monitored in the Ministry at the highest level. During 1996-97 the Secretary (Labour) has himself conducted 8 detailed reviews covering all aspects of functioning of the EPFO. The follow-up action on these reports is being closely monitored. In order to streamline the Public Grievance Handling System, instructions have been issued to ensure:—

- (a) Proper arrangement for sitting of the subscribers who come to Regional/Sub-Regional Office with their grievances alongwith arrangement for drinking water.
- (b) Prompt action to pass on the grievances to the concerned officers/Section Incharge.
- (c) Prompt intimation about status of the case to the visitor.
- (d) Proper monitoring about pace and progress of disposal of the complaint.
- (e) Complainant should be informed about the status of his grievances from time to time till its disposal.
- (f) Provision of the computer system in the PGS Area.
- (g) Issue of acknowledgement letter to the member.

- (h) A Nodal Officer not below the rank of APFC to be identified as Officer-in-Charge of the work relating to PGS.
- (i) Holding of Lok Adalats/Open Houses for redressal of the grievances of the public.

2.18 The disposal of Public Grievances is also being monitored at the Head Office level through the Central Action Plan. The Officers-in-Charge of all the field offices have been instructed to make themselves available to public without any appointment of every day from 11.00 A.M. to 12.00 O'clock and 3.00 P.M. to 3.30 P.M. in the reception area so as to make themselves aware of the sufferings of the members. And they have been also instructed to notify this arrangement on a Notice Board to be displayed in the Reception Area.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 16, Para 2.57)

2.19 The Committee have been informed by the Ministry that the present term of Central Board of Trustees has expired since February 1996 and it is under constitution. The Ministry has further informed that they have to get nominations from the representatives of employers and workers organisation. The Committee are not satisfied with the reply of the Ministry. In their view action should have been initiated in advance to get the nominations from representatives of employers and workers organisation. The reply of the Ministry that the delay in reconstitution has not inhibited the functioning of the Board in any manner is not at all acceptable to the Committee. The Committee, therefore, strongly recommend that the Ministry should make all out efforts to get nominations at the earliest to enable them to reconstitute the Central Board of Trustees without further loss of time. Steps taken and progress achieved in this regard should be communicated to the Committee within three months' time.

Reply of the Government

2.20 The Central Board of Trustees has since been reconstituted on 9.4.1997.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 18, Para 2.84)

2.21 The Committee note that although V.V. Giri National Labour Institute, Noida has been established with the objectives of providing education, training, research and consultancy in Labour and related subjects, yet the budget earmarked for the years 1997-98 is Rs. 114 lakhs only. The Committee further note that faculty component of the Institute is grossly inadequate to discharge its functions efficiently and effectively. The Committee therefore, urge upon the Ministry to strengthen the National Labour Institute by allocating more funds and increasing their faculty strength to enable them to function efficiently. Also the number of consultancy studies being conducted by the Institute should be enhanced and efforts should be made to introduce one year Certificate Course on Labour Laws and Allied subjects at the earliest. Progress achieved in this regard should be communicated to the Committee within three months' time.

Reply of the Government

2.22 Funds were allocated to NLI depending upon the plan allocation made by the Planning Commission for the year 1997-98. We had placed the requirement of Rs. 2 crores for V.V. Giri NLI with the Planning Commission. Based on the funds made available by the Planning Commission, only a sum of Rs. 1.14 crores could be allocated to the V.V. Giri National Labour Institute for the year 1997-98. However, it may be mentioned that the position of requirement of funds is reviewed at RE stage also and depending upon the actual expenditure incurred by the Institute and their projected requirement, additional allocation of funds is made. For instance, for the year 1996-97, against the BE of Rs. 85 lakhs, the final allocation to the Institute was Rs. 95 lakhs.

2.23 As regards faculty component of the Institute, already four senior position, which were lying vacant for more than two years, have been filled up. Steps have also been taken to fill up the positions at the lower level. The suggestion regarding increasing the number of consultancy studies has been noted. Steps have already been taken to introduce one year Certificate Course on Labour Laws and the Allied subjects. Discussion with INGOU are continuing.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE TAKING INTO CONSIDERATION THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 5, Para 2.12)

3.1 The Committee are concerned to note that a good number of posts required for the project are still lying vacant. Viewing this situation seriously, the Committee urge upon the Government to take up the issue with the concerned State Governments for filling the vacancies at the earliest.

Reply of the Government

3.2 The situation is being closely monitored in defaulting States by DGE&T. During the Joint World Bank—DGET review of the project from 26.5.97 to 18.6.97 all the States were requested to fill up vacant posts by August 1997. With the exception of Assam, Bihar, Haryana and West Bengal all the States have shown progress in staffing with the result that 84% of instructional posts in the States are now filled. Chief Ministers of Andhra Pradesh, Assam, Bihar, Haryana, Karnataka, Orissa, Punjab, U.P. and West Bengal have been requested at the Minister level for filling up of vacant posts expeditiously.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 6, Para 2.26)

3.3 The Committee note that although the DGFASLI organisation is shouldering the important task of improving the safety, health productivity, working conditions in factories and ports, yet their performance has not been upto the mark. Section 91 of the Factories Act empowers DGFASLI to enter into any factory and conduct surveys into areas of safety and health. However, during the last three years the Department has been able to complete only one study which is indicative of their performance. There are a vast number of factories which need to be advised/persuaded or even forced to take up measures for improving the level of safety and health of workers. The

Committee further note that the relevant sections of the Factories Act do not empower the officers of DGFASLI to take steps including prosecution to see that their recommendations are followed by the factories. The Committee view this situation very seriously. They therefore, urge upon the Ministry to strengthen the organisation by amending the Act to enable them to carry out more number of inspections and surveys in factories on a time bound scale. Also follow up action on the recommendations of the Organisations should be monitored by the Ministry regularly. The Committee further recommend that the Ministry should take up immediate steps to fill up the vacant posts in the organisation at the earliest. Steps taken and progress achieved in this regard may be communicated to the Committee within three month's time.

Reply of the Government

3.4 The details of studies carried out by DGFASLI during the last three years are as under:

Unit level consultancy studies 1994-1996

Unit level consultancy studies	Completed	In-progress
1994	57	27
1995	56	46
1996	82	64

3.5 The DGFASLI is primarily an advisory body for respective Factory Inspectorates of the State Govts. in matters of Occupational Safety and Health and is involved in conducting studies and surveys and makes recommendations accordingly. As per the Factories Act, the State Factory Inspectorates have the powers and authority to enforce such suggestions and other provisions of Factories Act.

3.6 While it is true that managements of factories have to initiate more measures for improving the level of safety and health of workers, the various State Factories Inspectorates are also carrying out their constitutional obligation of enforcement of the provisions of the Factories Act. In this connection the Central Government has also extended technical and other assistance to augment the infrastructural facilities like provisions of laboratories and upgradation of the technical competence through training.

3.7 Regarding the Committee's recommendation that the relevant Sections of the Factories Act do not empower the officers of DGFASLI to take steps including prosecution to see that their recommendations are followed by the factories, it is reiterated that DGFASLI is primarily an organisation to promote health and Safety necessary by way of making recommendations based on field study, training and by giving technical guidance. It is not an inspectorial organisation.

3.8. While Section 91A does empower the DGFASLI to enter the premises and conduct studies, surveys etc., the inspection of Factory and enforcement of Factories Act and to initiate necessary prosecution is the obligation and duty of the State Governments. The Central Government through its agency *viz.* DGFASLI conducts studies and surveys and makes recommendations, to State Government for implementation and also makes suitable amendments to the Factories Act.

3.9 As regards filling up the vacant posts in the DGFASLI, proposal to fill up all the vacant posts have been sent to UPSC.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 9, Para 2.37)

3.10 The Committee are not at all satisfied with the progress made by the Employees' State Insurance Corporation in regard to their coverage of establishments. The Ministry has stated that a phased programme for implementation of ESI Scheme in 17 new centres has been formulated by the Corporation in consultation with State Governments after survey for the years 1996-97 and 1997-1998. In the non-implemented areas there are 14727 establishments coverable under the ESI Scheme. Keeping in view the fact that ESI is a social security for labour, the Committee strongly recommend that the Ministry should have a thorough monitoring over the entire scheme and ensure that maximum number of establishments are covered without further loss of time. Steps taken in this regard should be communicated to the Committee.

Reply of the Government

3.11 The ESI Scheme is being implemented area-wise in a phased manner. For this purpose, the ESI Corporation in consultation with the State Governments formulates a phased programme for

implementation of the ESI Scheme in new areas every year for a period of two years at a time i.e. the current year and the following financial year. Under the scheme, it is the responsibility of State Govts. to complete necessary medical infrastructural arrangement before the scheme is notified for implementation in any new area. As the State Governments due to physical and financial constraints are generally not able to complete necessary arrangements for providing medical care to the beneficiaries in time and as a result, the target envisaged in the phased programme are at times not achieved. In order to accelerate implementation of the ESI scheme in the areas identified in the phased programme the Corporation has taken the following measures:—

- (i) The progress of implementation as per phased programme is being monitored in every meeting of the Standing Committee/Corporation.
- (ii) The Corporation has now started bearing the entire expenditure on medical care in case of implementation of the scheme to new geographical areas for an initial period of three years as against 7/8 provided earlier.
- (iii) The Corporation has enhanced the ceiling of expenditure on medical care per insured person family unit per annum from Rs. 410 to Rs. 500 w.e.f. 1.4.1997.
- (iv) The Union Labour Minister had addressed a D.O. letter to the Labour Ministers of State Governments for early implementation of the Scheme. The Director General, ESI Corporation has also written D.O. letters to the State Labour Secretaries and Directors of Medical scheme in this regard.

3.12 Secretary (Labour), Government of India has himself undertaken comprehensive review of the functioning of ESI Scheme in respect of 8 States during 1996-97. In the reviews problems and constraints have been clearly identified and possible solutions have been suggested. The follow up action on these 8 review reports is being closely monitored.

[The Ministry of Labour, O.M. No. 16/2/1 CLW/97 , Dated 29.08.1997]

Recommendation (Sl. No. 10, Para 2.38)

3.13 As regards recovery of outstanding dues the Committee are of the view that the Revenue Recovery Machinery of the Corporation should be further strengthened. Also necessary steps should be taken to get the legal cases pending under Section-85 of the ESI Act and Section 406/409 of the Indian Penal Code disposed off quickly. Steps taken and progress achieved in this regard should be communicated to the Committee within three month's time.

Reply of the Government

3.14 The ESI Corporation has set up its own Revenue Recovery Machinery in all the regions/sub-regions. The Revenue Recovery Machinery is fully operational and has so far recovered Rs. 89.23 crores. The year-wise break up of recovery is as under:—

Year	Amount recovered (Rupees in Crores)
1991-92	0.09
1992-93	3.26
1993-94	14.27
1994-95	20.22
1995-96	22.94
1996-97	28.45
	89.23

3.15 The Corporation has succeeded in increasing the amount of recovery year after year.

3.16 The Regional Directors have been advised to seek assistance of the State Governments and meet the judges of E.S.I. Courts/ Metropolitan Magistrates in their chambers and request them for early hearing and finalisation of all cases.

[The Ministry of Labour, O.M. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 11, Para 2.39)

3.17 The Committee regret to note that some of the drugs and dressings supplied by some firms to the Central Medical Store, ESI Hospital, Basaidarapur, New Delhi were found to be sub-standard. The Committee view this situation very seriously. They therefore, strongly commend that the Ministry should have a thorough monitoring over the supply of drugs to ESI Hospital and ensure that sub-standard drugs and dressing are not supplied to the Hospital in future. Also the firm as well as the staff of the Corporation found to be involved in supply of sub-standard drugs should be dealt with severely. The Committee would also like to have the details of investigations made and action taken by the organisation against the defaulting suppliers as well as the staff of the Corporation involved in the sub-standard supply of drugs and dressings detected during the year 1993. Steps taken in this regard should be communicated to the Committee within three month's time.

Reply of the Government

3.18 The ESI Corporation enters into annual running Rate Contract with manufacturing firms including Public Sector Undertakings for procurement of commonly used drugs of quality at competitive rates. Firms possessing DGA (Directorate General of Quality Assurance) registration or WHO-GMP Certificate and Public Sector Firms are eligible to take part in the tender. A central Medical Store has been set up under the overall charge of a Senior Medical Officer as Store Manager for procuring drugs for Delhi Scheme.

3.19 A Drug Scrutinising Committee consisting of Director (Medical) Delhi, Medical Superintendent, ESI Hospital, Basaidarapur, Specialists in various disciplines, Additional Director (Dispensaries) and Senior Incharge of few dispensaries to identify the drugs alongwith annual requirements for use in dispensaries and hospitals has been constituted. The Manager, Central Store procures them by following the prescribed. ESIC Rate Contract. In case a drug is not available through the ESIC Rule Contract, then it is made available through the hospital Rate Contract or DMD Rate Contract or DG&DRC or from Public Sector firms or through Local Purchase from Super Bazar or through local market. Drugs so procured are distributed to Dispensaries and Hospitals through periodical indents.

3.20 There is an inbuilt provision of getting 10% of the drugs tested/analysed in Govt. Drug Analytical Labs or Govt. approved

... Labs to ensure quality of drugs. Minimum of 1% of the budget has been earmarked in this respect. If a drug is found out to be not of prescribed standard:—

- (i) The same batch of drug is withdrawn from the periphery.
- (ii) The entire batch is got replaced or their cost recovered from the firm.
- (iii) The Drug Controller of the State where the firm is located is informed for taking necessary action as per the Drug and Cosmetics Act.
- (iv) If multiple batches of a particular drug item are reported not of standard, the firm is debarred for three years from participating in Rate Contract for that particular item.

3.21 The alleged malpractices in purchase of medicine by the Central Store have been investigated by the ESIC. There have been instances of acceptance of sub-standard medical items ignoring rules/instructions, shortage of medicines etc. The Corporation has initiated disciplinary proceedings against four delinquent officials responsible for the lapse. The suppliers responsible for supply of sub-standard drugs and dressings have been debarred from supply to the ESIC.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 19, Para No. 2.95)

3.22 The Committee are concerned to note that minimum rates of wages for the unskilled workers still vary from State to State which is clearly indicative of the fact that monitoring of the Central Government in this regard has been very poor. The Committee view this situation seriously. In their view the matter should be taken up at the highest level and State Governments should be pursued to have a Common National Minimum Floor Level Wage so that the problem of migration of workers can be tackled effectively. Also vigorous efforts should be made to pursue with the State Governments to link minimum wages to the Consumer Price Index and revise the variable components every six months or when the CPI increases by 50 points whichever is earlier. Steps taken in this regard should be communicated to the Committee.

Reply of the Government

3.23 The recommendations of the Committee on Common National Minimum Floor Level Wage, has been noted. In this connection, it may be mentioned that this question has been placed before the State Governments and UT Administrations in the meetings of the Standing Labour Committee, Indian Labour Conference and Regional Labour Ministers' Conference held during 1996-97. Letters have also been addressed to the State Governments in this regard at the level of Union Labour Minister and also at the level of Prime Minister. Based on the minimum calorie requirement and the cost of living index at 1996 Prices, it has been estimated that sum of Rs. 35 per day was required to be paid as minimum wage to the workers so as to ensure their subsistence. This level was considered to be the floor level minimum wage and the States were requested not to fix the wages below Rs. 35 per day. 11 States have already revised their wages to Rs. 35 or more per day to the workers of all the scheduled employments. The Minimum rates of wages in 7 other States have been revised at Rs. 35/- per day or higher, for most of the scheduled employment, under their respective jurisdiction. Under the Central Sphere, for all the 40 scheduled employments, minimum wages are Rs. 35/- per day or higher.

3.24 The States/UTs have also been requested to link minimum Wages to the C.P.I. and 15 States/UTs have already implemented the suggestions.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAS NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Sl. No. 1, Para 1.9)

4.1 The Committee are not satisfied with the performance of the Ministry in so far as the plan expenditure is concerned. The percentage of plan expenditure during the year 1995-96 and 1996-97 stood at 65.23% and 68.81% over budget estimates respectively which is far from being satisfactory. The reasons put forth by the Ministry for non-utilisation of funds, such as delay in clearance of proposals by the Expenditure Finance Committee, delay in supply of equipments under the World Bank assisted Vocational Training Project, non-filling of sanctioned posts are not satisfying to the Committee. In their view, the Ministry has tried to escape on one pretext or the other, which is indicative of their poor monitoring. The Committee, therefore, recommend that the Ministry should make all out efforts for early completion of schemes in hand such as training, schemes pertaining to Child Labour, rehabilitation of freed Bonded Labourers, welfare of SCs/STs, Labour Bureau etc. As regards lapses on the part of State Governments towards non-utilisation of funds earmarked under schemes, the matter should be taken up at the highest level. Steps taken and progress achieved in this regard should be communicated to the Committee within three months' time.

Reply of the Government

4.2 Though it is true that plan expenditure during 1995-96 and 1996-97 were low in terms of the B.E. of these years but it should be noted that the shortfall is mainly due to the poor expenditure in few divisions of this Ministry. These include the schemes pertaining to bonded labour, World Bank projects, Child Labour Cell and schemes relating to welfare of SCs/STs.

4.3 In case of the Child Labour Cell, the lower expenditure is mainly on account of inadequate expenditure under the National Child Labour project. This scheme formulated by the M/O Labour could not

be cleared by the Expenditure Finance Committee. The Ministry had prepared a detailed scheme for elimination of child labour in hazardous occupations during 1996-97 to 2001-02 for approval of the EFC. In the scheme it was *inter-alia* proposed that besides about 1.00 lakh children who were already enrolled in the special schools through the on-going 76 projects, additional 5 lakh children would be enrolled in special schools, either by increasing the coverage in the ongoing projects or by sanctioning NCLPs in additional districts. This would have involved an additional expenditure of Rs. 160.00 crores during 1996-97. The Scheme was considered in the meeting of the EFC on 25.6.1996 and again on 2.12.1996. It was decided in the meeting that no new schools should be opened and no new children should be enrolled until a decision is taken by the Cabinet for the continuance of the scheme during Ninth Plan period. In view of the decision of the EFC, no new school was opened and no additional child was enrolled in the existing special schools resulting in a shortfall of expenditure. As regards the issue of monitoring of projects, it may be mentioned that the Ministry of Labour has been monitoring the progress of the implementation of the Child Labour Projects through periodic reports received from the project societies at the district level. The Ministry has conducted a series of meetings to review the progress in the implementation of the Child Labour Projects. The officers of the Child Labour Cell, also on various occasions, reviewed the programmes of Child Labour Projects at the State level. The desired results, however, are not forthcoming as (a) the EFC does not meet in time and does not accord approval to the continuance of the ongoing projects, not to speak of expansion (b) there is lot of demoralisation and demotivation amongst the field personnel due to the uncertainties in according sanction for continuance of the project year after year (c) the outlay being reduced arbitrarily and the reduction not being related to the need and ground level realities.

4.4 As regards the World Bank projects, DGET has been taking follow-up action in order to complete the project activities envisaged under the vocational Training Project as expeditiously as possible. A joint World Bank—DGET review was held in New Delhi on 26.5.1997 followed by regional review Meetings at Bangalore, Delhi and Guwahati where State officials dealing with the Project participated. A wrap-up meeting with World Bank Mission, Department of Economic Affairs and State Secretaries was held in New Delhi on 18.6.1997 where all the States were requested for early completion of the Project activities. A close monitoring is being done by DGET for all the components covered under the Project so that maximum funds could be utilized

within the extended period of the Project. The Labour Minister has drawn the attention of the concerned Chief Ministers for speedy action to complete the remaining activities especially for early completion of civil works and filling up of vacant posts. A close liaison is being maintained with the NTPC—the procurement agency—for timely procurement of equipments. As a result of close monitoring, all the States with a few exceptions have improved their performance further in respect of procurement of equipments, staffing and civil works.

4.5 As regards the Rehabilitation of Bonded Labour scheme the funds are released only when complete proposals are received from the State Governments and expenditure is usually in the form of reimbursements. Almost all the State Governments have reported that bonded labourers already identified and released have been rehabilitated and no new proposals came from them resulting in such a poor level of expenditure (11.95%). The Central Government has advised the State Governments to conduct fresh surveys for identification of bonded labourers. The reports received so far indicate that about 25000 bonded labourers have been identified. The State Governments have been advised to prepare proposals for rehabilitation of the bonded labourers. On receipt of such proposals funds will be released to the State Governments. So it can be presumed that during 1997-98 funds will be fully utilized.

4.6 As regards other Divisions of this Ministry the performance is quite impressive—

Workers' Education	—	138%
Labour Bureau	—	114.92%
Labour research (NLI)	—	111.76%
Non-World Bank Training Projects	—	95%
Women Labour	—	84.40%
Industrial relations	—	75%
Working conditions and safety	—	71%

4.7 Apart from monitoring of schemes by respective Divisions like the Child Labour and World Bank projects, as mentioned above, there is a three-tier monitoring mechanism already under operation in the Ministry to review the pace of expenditure. Under this mechanism,

Secretary reviews the pace of expenditure in monthly meetings with the Joint Secretaries. This is followed by meetings taken by the Additional Secretary to examine the actual implementation of the various schemes and of the decisions taken at the level of Secretary. Also a formal review of expenditure meeting is held to review expenditure at the end of each quarter. Moreover, the system of review and monitoring on a day-to-day basis at the level of Bureau Heads & IFD which was adopted in February 1997 started producing results and this system will also be continued during 1997-98.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 3, Para 1.11)

4.8. The Committee note that the percentage of expenditure for the years 1992-96 for vocational training programme for women (NVTI, New Delhi, RVTI, Mumbai & Bangalore) has been 19.51 only. The Committee further note that in RVTI, Mumbai 2112 trainees & in RVTI Bangalore 3747 trainees have so far been trained in various courses including long term, short term, adhoc courses in a decade time. The Ministry has tried to escape on one ground or the other for their poor performance. The Committee are not at all satisfied with the performance of the Ministry in this regard. In their view the very purpose of the vocational training institutes is defeated if only 500 trainees are trained in a year in two institutes established in two metropolitan cities of the country. They, therefore, strongly recommend that the Ministry should have a thorough monitoring over the scheme and make all out efforts to increase the number of trainees in these institutes. Also the vacancies of the training officers should be filled up without further loss of time. Steps taken and progress achieved in this regard should be communicated to the Committee within three month's time.

Reply of the Government

4.9 While conceding that the progress of implementation of Vocational Training programme for women has not been satisfactory, we in this ministry, would like to emphasise once again that this is not on account of any lack of effort on the part of this ministry, but for reasons beyond our control. As stated earlier, the main reasons for slow progress are:—

- (1) Inability of the State Govt. of Maharashtra to make available the extra accommodation needed for the required expansion of training activities at RVTI; and
- (2) The procedural bottlenecks in getting the posts sanctioned or revived and then getting them filled up through UPSC etc.

4.10 To illustrate, in response to a requisition placed with the UPSC for recruitment of 24 Training Officers in February, 1995, the UPSC could nominate only 14 officers after lapse of two years. *i.e.* in January, 1997. Only five have joined so far after completing the required recruitment formalities.

4.11 The progress of the schemes is being regularly monitored and followed up, wherever necessary, at the level of Labour Secretary.

4.12 The point that we would like to make in this connection is that the NVTI/RVTI are designed primarily to train Instructors. The training in basic skills is organised and some skill courses have been introduced in order to provide requisite feeder cadre for Instructor training courses. As such these Institutions are not designed to train large number of trainees like in general ITIs. The input to the advanced level courses are also dependent mostly on output from ITIs functioning under State Governments and from NVTI/RVTIs in a limited way.

4.13 Besides, as stated earlier the setting up of RVTI in each particular State is decided upon only after the State Govt. gives commitment to provide sufficient temporary accommodation and land for construction of Institutional building free of cost and encumbrances. The delay in setting up has been primarily because of the inability of the State Govt. to provide requisite accommodation despite a lapse of several years and despite a follow up at the highest level.

4.14 It would thus be seen that it is possible to train a large number of women per year, provided:—

- (i) the State Government is able to provide the required additional temporary accommodations;
- (ii) The faculty positions do not attract provisions of the routine economy instructions of the Government and are exempted from deemed abolished Orders; and

- (iii) Pending recruitment of regular faculty through UPSC permission/sanction is accorded to engage part-time faculty or engage competent staff on contract basis, where required.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 7, Para 2.27)

4.15 The Committee further notes that the Jawaharlal Nehru Port Trust which is handling a large number of containers and bulk cargo does not have any Inspectorate of Dock Safety regulating it. Also the sanctioned strength and infrastructure of the organisation is far too inadequate to discharge its responsibilities of safety and health posed to the organisation due to vast technological developments. The Committee, therefore, strongly recommend that the organisation should be strengthened to enable them to discharge their responsibilities towards safety and health of Port and Dock Workers. Further the Inspectorate for Jawaharlal Nehru Port Trust should be set up immediately so that statutory responsibilities under the Dock Workers (Safety, Health and Welfare), Act are discharged properly.

Reply of the Government

4.16 The proposal for setting up an Inspectorate at JNPT has been pending due to non sanction of the posts by the Ministry of Finance. The matter had been taken up with the Ministry of Finance reiterating the critical position and need for establishing the Inspectorate at the JNPT but the Ministry of Finance has turned down the Ministry's proposal. The matter is being taken up again at a higher level with the Ministry of Finance.

4.17 As regards the recommendation for strengthening and providing infrastructure in the organisation in so far as Dock Safety Division is concerned, an exclusive Plan Scheme was prepared during the Eighth Plan proposing the creation of 49 new posts with various other infrastructural facility like vehicles, accommodation for Safety-Cum-Training Institutes, etc. While posts could not be created during the currency of Eighth Plan, steps are being taken to create posts and strengthen infrastructural facilities. It is also proposed to continue the Eighth plan scheme activities during the 9th plan also in consideration of its importance and thus further strengthening is expected.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES HAVE NOT BEEN RECEIVED

Recommendation (Sl. No. 2, Para 1.10)

5.1 The Committee are constrained to note that the Ministry has not made any allocation towards Worker's Participation in Management Scheme in the Budget Estimate for the year 1997-98 which indicates that the Government is not serious towards labour participation at decision making levels. Although a Bill to this effect was introduced in Rajya Sabha in the year 1993, yet the Ministry has not been able to finalise the recommendations received by them on the Bill so far. The Committee, therefore, urge upon the Ministry to accord highest priority to the issue to enable the workers to participate at decision making levels. Steps taken in this regard may be communicated to the Committee within three months' time.

Reply of the Government

5.2 In regard to Committee's observation that no budget provision for the year 1997-98 towards Workers' Participation in Management Scheme have been made, it may be stated that budget provisions have been made in the Plan Schemes. In the Ministry of Labour we have following two Plan Schemes:

1. Monitoring and Evaluation of Scheme of Workers Participation in Management.
2. Scheme of Education and Training to promote Workers Participation in Management.

5.3 During the year 1997-98, funds to the extent of Rs. 2.00 lakhs & Rs. 4.00 lakhs have been sanctioned in the Budget Estimates for the year 1997-98 and the Government of India is very serious towards Workers' Participation in Management at all levels. In this connection it may be stated that the Government had introduced the Participation of Workers in Management Bill 1990 in the Rajya Sabha on 30th May, 1990 with the specific object of providing a legislative back up to this concept. However, following the introduction of the Bill, a large number

of notices were received for amendments to the Bill and accordingly the Bill was referred to the Parliamentary Standing Committee on Labour and Welfare for examination and report. The Committee after holding discussion with the concerned officials of the Ministry of Labour suggested that the Government may review the Bill keeping in view the need for incorporating necessary amendments in context to socio-economic changes of the country.

5.4 33rd Session of the Indian Labour Conference also considered this matter and decided that the Government may consider the amendment proposals taking into consideration the views of all interest groups. The Government intends convening a meeting of the Tripartite Committee on Workers' Participation in Management shortly with the object of revising the Workers' Participation in Management Scheme 1983 which is currently operating in the Central Public Sector Undertakings. Further amendments to the Bill will be considered in the light of the discussions held in the Tripartite Committee.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97
Dated 29.08.1997]

Recommendation (Sl. No. 8, Para 2.28)

5.5 The Committee regret to note that no State Government has framed so far safety and health rules and regulations for its minor and intermediate ports in accordance with the Dock Workers (Safety, Health and Welfare) Act, 1986 which is indicative of the poor monitoring by the Ministry over the scheme. The Committee view this situation very seriously. They, therefore, strongly recommend that the Ministry should take up the matter with the State Government at the highest level and ensure that safety, health rules and regulations for minor and intermediate ports are framed without further loss of time. The Committee should be informed of the progress made by the Ministry in this within three month's time.

Reply of the Government

5.6 As regards the recommendations of the Committee relating to framing of Rules and Regulations by State Governments for their intermediate and minor ports under the Dock Workers (Safety, Health and Welfare) Act, 1986, it is stated that there has been steady progress in the drafting of rules and regulations for minor and intermediate ports in the States of Karnataka, Pondicherry, Goa, Andhra Pradesh,

Andaman and Nicobar Island, Orissa, Kerala, Gujarat, Tamil Nadu, Maharashtra, which have ports. The matter is being pursued on priority basis with all concerned States.

[The Ministry of Labour, O.M. No. 16/2/1 CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 17, Para 2.68)

5.7 The Committee note with distress that although the fatal accidents in mines are increasing yet the Ministry has not been able to create additional posts of inspecting officers as per recommendations made by J.G. Kumaramangalam Committee. The representative of the Ministry asserted during evidence that the safety measures being adopted in mines were inadequate. The Committee view the situation very seriously. In their view the Committee cannot be a silent spectator, keeping in view the increasing trend of fatal accidents. They therefore, strongly recommend that the matter should be taken up at the highest level and Ministry should ensure that the Directorate General of Mines Safety Department are equipped with required staff strength without further loss of time. Also efforts should be made to get the legal enquiries disposed off quickly.

Reply of the Government

5.8 The DGMS has been entrusted with task of over-seeing compliance of the provisions of Mines Act, 1952 in the mines. The Kumaramangalam Committee had suggested certain norms for inspection of mines for which more posts would be necessary. Keeping in view the resource constraints, it has not been possible to create as many posts as would be needed to conduct inspection as per the norms presented by the Kumaramangalam Committee. However, this Ministry has proposed a Plan Scheme for 9th Plan, which contemplates creation of posts as per the norms prescribed by the Kumaramangalam Committee. However, the Ministry has already initiated action on certain Schemes approved under the Eighth Five Year Plan and matter has already been taken up for creation of necessary posts under these Schemes proposed to be continued in the 9th Plan.

[The Ministry of Labour, O.M. No. 16/2/1/CLW/97, Dated 29.08.1997]

Recommendation (Sl. No. 20, Para No. 2.96)

5.9 As regards revision of fixed minimum wages is concerned the Committee has been informed by the Ministry that the Government is thinking of amending the Minimum Wages Act so as to provide revision of minimum wages once in two years. The Committee would, therefore, like to urge upon the Government to bring forth the aforesaid legislation at the earliest so that the poorest of the poor in the country is benefited.

Reply of the Government

5.10 As regards amendment of the Act, a cabinet note has already been circulated and views obtained from different Ministries and State Governments/UT Administrations. The comments received have been processed for further action. The Ministry proposes to bring an amendment of the Minimum Wages Act, 1948 during the current year.

NEW DELHI;
17 June, 1998

27 Jyaishta, 1920 (Saka)

HARIN PATHAK,
Chairman,
Standing Committee on Labour and Welfare.

APPENDIX

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE FIFTH REPORT OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (ELEVENTH LOK SABHA)

I. Total number of Recommendations	20
II. Recommendations/ Observations which have been accepted by Government (No. 4, 12, 13, 14, 15, 16 and 18)	Total 7
Percentage	35%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (No. 5, 6, 9, 10, 11 and 19)	Total 6
Percentage	30%
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee (No. 1, 3 and 7)	Total 3
Percentage	15%
V. Recommendations/Observations in respect of which final replies of Government are still awaited (No. 2, 8, 17 and 20)	Total 4
Percentage	20%

MINUTES OF THE SECOND SITTING OF THE STANDING
COMMITTEE ON LABOUR AND WELFARE HELD
ON MONDAY, 16 JUNE, 1998

The Committee met from 16.00 hrs. to 18.00 hrs. in Committee Room No. 53, Parliament House, New Delhi.

PRESENT

Shri Harin Pathak — *Chairman*

MEMBERS

Lok Sabha

2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Manibhai Ramjibhai Chaudhuri
5. Shri Jaysinhji Manshingji Chauhan
6. Shri Thawarchand Gehlot
7. Shri Bheru Lal Meena
8. Shri Aman Kumar Nagra
9. Shri Shankar Sakharam Nam
10. Shri N.K. Premachandran
11. Shri Khagapati Pradhani
12. Dr. Ram Lakhan Singh
13. Shri A. Siddaraju
14. Shri Virendra Kumar
15. Shri Sita Ram Yadav

Lok Sabha

16. Shri Govindrao Adik
17. Shri Sanatan Bisi
18. Shri Bangaru Laxman

