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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 Fourth Report of the Standing Committee on Labour  
and Welfare on Ministry of Labour—Demands for Grants, 1998-99]*

**SEVENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*March, 1999/Phalguna, 1920 (Saka)*

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Standing Committee on Labour and Welfare on  
Ministry of Labour—Demands for Grants, 1998-99]*

Presented to Lok Sabha on ..... 18 MAR 99

Laid in Rajya Sabha on ..... 18 MAR 1999



LOK SABHA SECRETARIAT  
NEW DELHI

March, 1999/Phalgun, 1920 (Saka)

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Ninth Edition) and Printed by Jainco Art India, 13/10, W.E.A., Saraswati Marg, Karol Bagh, New Delhi-110005.

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

Shri Harin Pathak — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Ajmeera Chandulal
5. Shri Manibhai Ramjibhai Chaudhuri
6. Shri Jaysinhji Manshingji Chauhan
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SECRETARIAT

1. Shri Joginder Singh — *Joint Secretary*
2. Shri J.P. Sharma — *Deputy Secretary*
3. Shri R.S. Misra — *Under Secretary*
4. Shri S.K. Saxena — *Committee Officer*

## 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 Seventh Report on the action taken by the Government on the recommendations contained in the Fourth Report of the Standing Committee on Labour and Welfare (Twelfth Lok Sabha) on the Ministry of Labour—Demands for Grants—1998-99.

2. The Fourth Report was presented to the Lok Sabha on 7 July, 1998. The Ministry of Labour furnished their replies indicating action taken on the recommendations contained in that Report on 24 December, 1998. The Report was considered and adopted by the Standing Committee on Labour and Welfare at their sitting held on 11 March, 1999.

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 are still awaited.

4. An analysis of the action taken by the Government on the recommendations/observations contained in the Fourth Report of the Standing Committee on Labour and Welfare (Twelfth Lok Sabha) is given in Appendix.

NEW DELHI;  
March 12, 1999  

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Phalgun 21, 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 Fourth Report (Twelfth Lok Sabha) of the Committee on Labour and Welfare on the Ministry of Labour—Demands for Grants, 1998-99.

1.2 The Fourth Report was presented to Lok Sabha on 7 July, 1998. It contained 24 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. 1, 4, 15, 16, 19 and 20

(Total 6 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. 2, 5, 11, 13 and 24

(Total 5 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. 7, 17 and 21

(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. 3, 6, 8, 9, 10, 12, 14, 18, 22 and 23

(Total 10 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.

#### **A. Monitoring of Plan Schemes of DGE&T**

##### **Recommendation (Sl. No. 7, Para 2.7)**

1.4 While expressing dissatisfaction over the reasons put forth by the Ministry for less utilisation of funds earmarked under Plan Schemes on DGE&T, the Committee held the view that the monitoring of the Ministry in this regard had not been upto the mark. The Ministry of Labour, in their reply has stated that the utilisation of funds was not as expected due to the delay on the part of different States/UTs, other Government agencies and manufacturers/suppliers. They have, however, made all efforts to expedite implementation of the various components/schemes of the project and incurring of the expenditure as envisaged.

1.5 The Committee are not satisfied with the reply of the Ministry. The Ministry has laid the onus for less utilisation of funds on the States/UTs and other agencies. In the opinion of the Committee, the Ministry should have anticipated the difficulties involved in the implementation of the project of this magnitude and strengthened its monitoring mechanism effectively. The Committee, therefore, reiterate their earlier recommendation and urge the Ministry to take concrete steps through proper planning and monitoring so that funds earmarked under the schemes are fully utilised.

#### **B. Comprehensive Legislation for Agricultural Labour**

##### **Recommendation (Sl. No. 17, Para 2.52)**

1.6 The Committee found the reasons put forth by the Ministry for delay in bringing a comprehensive legislation for Agricultural Labour unacceptable and had strongly recommended that the Ministry should make immediate efforts to get the approval of the Cabinet and bring a comprehensive legislation during the Budget Session itself. The Ministry of Labour, in their action taken reply has stated that the matter was discussed in the State Labour Ministers Conference held on 8th July, 1998 and thereafter the comments of the State Governments

have been compiled and in view of the serious reservations expressed by most of the State Governments, the whole matter is being given a fresh look.

**1.7 The Committee are not satisfied with the reply of the Ministry as the Government has taken unduly longer time in studying and finalising the comments of the State Governments. In the opinion of the Committee, any further delay in bringing out the legislation before Parliament would amount to depriving of the agricultural labourers of their right to social protection. The Committee, while reiterating their earlier recommendation urge the Ministry to give the matter a serious thought and bring forth the legislation without further loss of time.**

### **C. Setting up of Subsidiary Corporation of ESIC in States**

#### **Recommendation (Sl. No. 21, Para 2.76)**

**1.8 As regards setting up of Subsidiary Corporation of the ESIC in States based on the pattern of Central ESIC, the Committee had desired that the matter should be taken up with the State Governments on a firm footing so as to ensure effective administrative accountability and timely realisation of arrears.**

**1.9 In their action taken note furnished to the Committee, the Ministry of Labour has stated that the matter regarding setting up of Subsidiary Corporations of the ESIC has been referred to the State Governments. The Governments of Karnataka and J&K have supported the proposal but the Governments of West Bengal and Orissa have opposed it. Responses from other State Governments are awaited.**

**1.10 The Committee observe that the Ministry of Labour has furnished the same reply which was furnished to them during examination of the Demands for Grants, 1998-99. The Ministry has also not been able to ascertain the views of State Governments with regard to setting up of Subsidiary Corporations. The Committee, therefore, reiterate their earlier recommendation and urge the Ministry to persuade the other State Governments vigorously so that Subsidiary Corporations of ESIC in States could be set up at the earliest.**

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### **Recommendation (Sl. No. 1, Para 1.9)**

2.1 The Committee note with distress that the overall expenditure position of the Ministry during the financial year 1997-98 in both Plan and Non-plan schemes have declined from the previous financial year. The reasons put forth by the Ministry for under utilisation of funds such as delay in clearing bills for consultancy services under Hi-tech schemes, DGS&D's inability to procure requisite equipments in time, non-clearance of proposals in regard to child labour projects by Expenditure Finance Committee of the Ministry of Finance and delay in sanction of posts are not acceptable to the Committee. In the opinion of the Committee, the Ministry lacks proper coordination with the States and other Central Ministries and its monitoring is not upto the mark. The Committee, therefore, recommend that the Ministry of Labour should have a thorough monitoring over the Central as well as Centrally sponsored schemes and should ensure that the funds allocated for various schemes are utilised during the financial year. Also the Ministry should improve its monitoring mechanism to avoid delay in approval of schemes by Central Ministries and other concerned agencies.

#### **Reply of the Government**

2.2 The plan expenditure during 1997-98 was low in terms of the B.E. of the year.

2.3 In order to ensure that the funds allocated for various schemes are utilised during the financial year, a three-tier monitoring mechanism is already under operation in the Ministry to review the pace of expenditure. Under this mechanism, Secretary reviews the pace of expenditure in a monthly meeting attended by the Joint Secretaries and Financial Adviser to identify the main hurdles and to take decisions to overcome them. This is followed by meetings taken by the Additional Secretary to examine the actual implementation of the decisions taken at the level of Secretary. Finally, the Joint Secretaries meet the Financial

Adviser at their level and discuss individual cases. Besides, Secretary (Labour) has issued detailed guidelines which *inter-alia* cover the following checks and reviews :—

- (i) whether proposals for sanction and release of funds under plan scheme have emanated from all Bureau Heads in time and whether the proposals are complete in all respects;
- (ii) whether the proposals are being followed up through constant dialogue, discussions and consultations with Integrated Finance Division at the level of Bureau Heads and FA(L)/Dir.(F);
- (iii) whether efforts are being made to reduce the time lag between the date of formulation of proposal, date of its receipt in the Integrated Finance Division, time frame for processing the proposal and time frame for sanction; and to promote total transparency, probity and rectitude in the entire financial transactions.

2.4 All Bureau Heads have been directed to conduct monthly review of their Division on the above guidelines and report its compliance to Secretary (Labour). This comprehensive system of monitoring is expected to yield good results.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### **Recommendation (Sl. No. 4, Para 1.12)**

2.5 The Committee regret to note that the Ministry of Labour has not been able to get clearance from the Ministry of Finance in regard to their proposal for opening of 2 Central Government Industrial Tribunals at Lucknow and Nagpur during the year 1996-97. The reply of the Ministry that due to economy measures, no new Central Government Industrial Tribunal could be opened during 1997-98, is not satisfying to the Committee keeping in view the piling up of pending cases in various Labour Courts. The Committee, therefore, strongly recommend that the matter should be taken up at the highest level and the Ministry should ensure that new Central Government Industrial Tribunals at Lucknow, Nagpur, Hyderabad, Chennai and Bhubaneswar are opened during the year 1998-99. Also vigorous efforts should be made by the Ministry to get its proposal cleared from the

Fifth Central Pay Commission allowing them to grant flexibility in the scale of pay of Presiding Officers to enable the Ministry to have a wider field of choice for timely filling up of the posts of Presiding Officers.

### **Reply of the Government**

2.6 The proposal for opening of two new Central Govt. Industrial Tribunal-cum-Labour Courts one each at Lucknow and Nagpur, has been approved by the Ministry of Finance and a sanction letter is under issue. The proposal for opening of three new Central Govt. Industrial Tribunal-cum-Labour Courts one each at Hyderabad, Chennai and Bhubaneswar is under consideration of the Ministry. The matter is being processed for necessary financial approvals.

2.7 This Ministry is also considering that last pay drawn by the Judges (other than High Court) may be protected while in re-employment.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 15, Para 1.46)**

2.8 The Committee note with concern that the National Child Labour Projects introduced in 1995-96 could not make much headway due to non-approval of the scheme by the EFC in 1997-98. This happened in spite of the fact that a good percentage of expenditure was incurred under the scheme during the year 1996-97. In the event of non-opening of any new project or school by the Ministry, the Committee feel that 76 NCLPs and 1800 schools are far too inadequate to cover 2 million children engaged in hazardous occupations. The Committee also express their regret over the time gap involved in setting up Inter-Ministerial team for evaluating the project as desired by the EFC. The Committee, therefore, recommend that the Ministry should vigorously pursue the matter with the EFC at the highest level so that sanction is accorded for the continuance of the scheme as well as opening up of new NCLPs during 1998-99. The Committee are also of the view that an institutional monitoring mechanism should be evolved under the project by the Ministry as has been advised by the Inter-Ministerial team assessing the functioning of the NCLPs.

### Reply of the Government

2.9 As per 1991 census, the total number of working children in the country was 11.28 million. The problem of this magnitude cannot be addressed at one go. Therefore, while the long term objective of the Government is the total elimination of child labour, however, considering the magnitude of the problem *vis-a-vis* the constraint of resources, a gradual and sequential approach, stretching over a longer time horizon, has been adopted. Therefore, it is proposed to rehabilitate the children working in hazardous occupations in the first instance. As regards the setting up of Inter-Ministerial team, it may be mentioned that such a decision was taken in the meeting of Expenditure Finance Committee held on 10.3.98 in order to make an objective assessment of the progress made under the Scheme of National Child Labour Project (NCLP), to ascertain their strengths and weaknesses so that corrective measures can be taken and proper directions given regarding the operation of the scheme. The Inter-Ministerial Team submitted their recommendations on 15.5.98. The time taken by the team in submitting their report was, therefore, considered reasonable. The monitoring mechanism under NCLP has been streamlined as per the recommendation of Inter-Ministerial Team.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### Recommendation (Sl. No. 16, Para 2.47)

2.10 The Committee note that the Expenditure Finance Committee of the Ministry of Finance has raised the issue that the running of special schools should be transferred to the Ministry of Human Resource Development keeping in view the fact that universalisation of primary education comes under the task of the Ministry of HRD. The Ministry of Labour has, however, informed the committee that the Department of Education, Ministry of HRD does not possess any mechanism to monitor the number of liberated working children and to ensure their rehabilitation and hence this task would have to be continued as a mandate of the Ministry. The Committee, are therefore, of the opinion that the Ministry of Labour should justify their stand on the issue of running the special schools to the EFC for early clearance of their proposal so that more schools are opened for rehabilitating more children.

### Reply of the Government

2.11 The Expenditure Finance Committee in their meeting held on 25.6.98, after considering the report of the Inter-Ministerial Team, recommended for the continuance of the revised scheme of NCLP during Ninth Five Year Plan. However, considering the allocation under the scheme for Ninth Plan by the Planning Commission, the Committee has decided that no new project society should be opened during the Ninth Five Year Plan and the number of centres/schools should be so determined as to cater to maximum number of 1.5 lakhs working children. Accordingly, a note for the Cabinet Committee on Economic Affairs has been proposed for approval of the revised scheme of National Child Labour Projects for implementation during Ninth Five Year Plan.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### Recommendation (Sl. No. 19, Para 2.74)

2.12 The Committee note that the number of workers coming within the purview of the ESI Scheme has increased due to revision of the wage ceiling from Rs. 3000 to Rs. 6500. However, the standard and quality of medical care provided by the ESI Corporation left much to be desired. In the opinion of the Committee, enhancement of wage ceiling should have been linked with substantial improvement in the quality of medical care by appointing specialists, opening more Occupational Disease Centres and upgrading the hospitals to the level of superspeciality. The Committee, therefore, recommend that the Ministry should monitor the scheme thoroughly in coordination with State Governments and the Corporation should improve the standard and quality of medical care so that the subscribers of the scheme receive their due benefits.

### Reply of the Government

2.13 The responsibility for administration of medical care under the ESI Act vests in the State Governments/UTs administration

except in Delhi and Noida where it is being administered by the ESIC direct. However, the Corporation has prescribed the guidelines/norms for staffing and equipping of ESI Hospitals/Dispensaries. The Corporation also meets the 7/8th expenditure incurred on medical care. In order to ensure availability of proper medical care to the Insured Persons the Corporation has set up a General Purposes Sub-Committee (GPSC) comprising of members of Parliament which visits ESI Hospitals/Dispensaries in two or three states each year. The observations/short-comings noticed by the GPSC are considered by the Corporation and forwarded to the concerned State Governments for taking appropriate remedial action. In order to improve working of ESI Hospitals/Dispensaries in States the Ministry of Labour has written to State Governments from time to time. An action plan in this regard has also been prepared by the ESI Corporation and circulated among State Govts. for taking necessary action. Recently the Govt. has also appointed a Committee to review working of ESI hospitals/dispensaries and suggest remedial measures for their improvement. The report of the Committee is awaited.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

**Recommendation (Sl. No. 20, Para 2.75)**

2.14 The Committee observe that the amount of ESI dues outstanding against the State PSUs are increasing mostly because of non-action on the part of the State Governments. Though the Ministry has stated that the ESIC has regularly been writing to the concerned State Governments, the Ministry does not have the full details of arrears from State Governments so far. The Committee are of the opinion that the ESI Scheme should not be financially weakened due to default. The Committee, therefore, urge the Ministry to pursue the matter with the State Governments at the highest level without further loss of time. Also efforts should be made to get the legal cases disposed of quickly.



**Reply of the Government**

2.15 For expediting recovery of ESI dues from State PSUs a D.O. letter was sent by Hon'ble Labour Minister to all Chief Ministers of the concerned States on 31.10.1998. As regards/quick disposal of legal cases, necessary action is being taken by the ESIC.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

## CHAPTER III

### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

#### **Recommendation (Sl. No. 2, Para 1.10)**

3.1 The Committee note that though the Ministry of Labour has addressed itself to the welfare of workers falling in the organised sector yet much is needed to be done for the workers in the unorganised sector who constitute around 60% of the total available Indian work force. The Committee, therefore, recommend that the Ministry of Labour should devise steps in consultation with the State Governments to bring these labourers into the mainstream, *i.e.* in organised sector in order to protect their interest and also to bring them under social security schemes already extended to labourers in the organised sector.

#### **Reply of the Government**

3.2 The existing social security legislations do not make any distinction between organised and unorganised labour and casual and permanent workers. In other words, all the wage earners employed in any sector are coverable under the Acts provided they meet the requirements specified in the respective Acts. Under these Acts, State Governments/Central Government have been conferred powers to extend their provisions to any class of establishments, industrial, commercial, agricultural or otherwise. However, the Ministry of Labour is actively engaged in pursuing the task of protecting interest of unorganised labour including rural labour in accordance with the recommendations of the National Commission for Rural Labour (1987-91). Some of the important steps taken so far in this direction include the enactment of "The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996" and "The Building and other Constructive Workers' Welfare Cess Act, 1996". These legislative provisions provide, *inter-alia*, for regulation of working conditions of workers in this sector including provision for payment of fair wages and certain welfare measures to them. The Act also makes provisions for taking cognizance of any offence under the

Act on a complaint by an office-bearer of a trade union of which the worker is a member. Another important legislation which is being examined in this Ministry is a law for the protection and welfare of agricultural workers. In this legislation also it is proposed to make provisions for redressal of disputes and espousal of causes through trade unions and to provide certain minimum social security measures. In order to organise the unorganised labour, rural labour training camps are being organised by National Labour Institute and the Central Board for Workers' Education since 1970s to enable the workers in the unorganised sector to perceive and internalise the need for organisation and to go in for the type of the organisation which will serve their best interests. In this connection, a specially convened meeting of the State Labour Ministers was organised on 7th and 8th July, 1998 to elicit their views on the proposed legislation for agricultural workers. Moreover, the subject of unorganised labour was discussed in an exclusive conclave held in this connection under the auspices of the Indian Labour Conference on the 18th and 19th December, 1997. The recommendations that emerged from this Conference had been conveyed to the State Governments to seek their support and initiate follow-up action.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

**Recommendation (Sl. No. 5, Para 1.13)**

3.3 The Committee are deeply concerned at the employment scenario in the country especially in view of the fact that the quantum of unemployment has increased from one Plan period to another. The Committee further observe that the Ministry does not have a clear idea of the number of jobs generated during the entire duration of the Eighth Plan. The Committee, therefore, fail to understand as to how the Ministry would be able to fulfil its goal of reducing unemployment to a negligible proportion by 2002 A.D. They are of the view that the Ministry should pursue its primary objective of generating greater productive employment in the growth process of the Ninth Plan wholeheartedly. The Committee also urge the Ministry to make sincere efforts in coordination with other Central Ministries and State Governments to increase the coverage of families under target oriented employment programmes such as IRDP, JRY, EAS, etc. substantially during the Ninth Plan period.

### Reply of the Government

3.4 The employment & unemployment situation in the country is assessed through the Labour Force Surveys carried out by the National Sample Survey Organisation (NSSO) at an interval of 5 years. Last such survey was carried out in the year 1993-94. As per the estimates, the unemployment as on 01.01.1994 as per Usual Principal Status was of the order of 9.5 million. The employment generation during the period 1987-88 to 1993-94 was of the order of 43.91 million. Therefore, it can be seen that on an average around 7.3 million employment opportunities were created per annum during this period. The period covers the initial 2 years of the Eighth Five Year Plan, therefore, it can be taken that 7.3 million additional employment opportunities were created on an average during the first 2 years of the Eighth Five Year Plan.

3.5 Field work for the next Labour Force Survey of the NSSO is already taken up. The results will throw light on the employment and unemployment situation in the country during the period 1993-94 to 1998-99 which will cover the remaining part of the Eighth Plan and the beginning of the Ninth Plan.

3.6 Ministry of Labour is not an employment generating Ministry neither it has got any control over the employment generation by other Ministries. However, the approach to the Ninth Plan envisaged generation of greater productive employment through the growth process itself by concentrating on sectors, sub-sectors and technologies which are labour intensive, in the regions characterized by higher rates of unemployment and under-employment. The existing scheme of Poverty Alleviation Programme like IRDP, JRY, EAS will continue during the Ninth Five Year Plan.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### Recommendation (Sl. No. 11, Para 2.21)

3.7 The Committee further note that the construction work of RVTIs at various places such as Allahabad, Jaipur, Munnar, etc. have been badly delayed. The Ministry has thrown the onus for delay on the State Governments in allotting land for construction of RVTIs, which is not satisfying to the Committee. The Committee, therefore, strongly recommends that the Ministry should take up the issue with the State

Governments as well as the Expenditure Finance Committee at the highest levels so that the RVTIs are established and become fully functional without further loss of time. Step taken and progress achieved in this regard should be communicated to the Committee regularly.

### **Reply of the Government**

3.8 For the construction of building for RVTI Jaipur, the Standing Finance Committee met on 11.9.98 and approved the proposal. C.P.W.D. has submitted the revised estimates on 3.12.98 and is being processed for approval.

3.9 The Standing Finance Committee for RVTI Allahabad met on 23.11.98 and approved the proposal. C.P.W.D. has been requested to submit the revised estimates.

3.10 Regarding RVTI Munnar, despite several reminders, the State Government of Kerala has unduly delayed allotment of land for RVTI building & temporary accommodation for starting the Institute. In view of this inordinate delay on the part of the Government of Kerala, the setting up of RVTI at Munnar will have to be reviewed in consultation with Planning Commission and other concerned agencies.

3.11 The processing of above proposals is being monitored closely.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 13, Para 2.35)**

3.12 The Committee note with concern that out of 17 Safety Officers required to be appointed in Major Ports only 8 were in position as on 1.5.98. Some of the Major ports such as J.L. Nehru, Calcutta, Paradip, New Mangalore and Tuticorin have no Safety Officers. The position of dockyards is further grim. Out of 9 Safety Officers required, only one at the Chennai Dock Labour Board was in position as on 1.5.98. The Committee view the situation seriously. In their opinion, no compromise can be made in so far as safety and health of workers is concerned. The Committee, therefore, strongly recommend that the Ministry of Labour should take up the issue with the Ministry of Surface Transport as the highest level and ensure that the Safety Officers are appointed in all the Major Ports and Dock Labour Boards as required under the statute within three months.

### Reply of the Government

3.13 As on 1.8.98, there are 10 safety officers against the required 17 in the major ports. There is only one safety officer appointed by the Chennai Dock Labour Boards. There are 3 safety officers as against 4 employed by other employers in the major ports. Thus against the total requirement of 30 safety officers, 14 safety officers are in position. The ports of J.L. Nehru, Calcutta, Paradip, New Mangalore and Tuticorin are yet to appoint safety officers.

3.14 The issue was discussed in a meeting taken by Secretary, Ministry of Surface Transport when it was stated that the post of safety officer being an isolated one with no promotional avenues, candidates are reluctant to join these posts. It was suggested that the ports may empanel suitable officers from engineering stream and train them for discharging the functions of safety officers and such empanelled officers may be deputed exclusively to work as safety officer by rotation.

3.15 The proposal of the Ministry of Surface Transport has been accepted by the Ministry of Labour and Ministry of Surface Transport has been informed that the Port Trust should keep in mind the requirements of qualifications and experience for appointment of safety officer as laid down in Schedule III of the Dock Workers (Safety, Health & Welfare) Regulations, 1990. Consequently, the Ministry of Surface Transport has written to the Chairman of all the major ports and Dy. Chairmen of the Dock Labour Boards to go ahead with the appointment of safety officers in line with the decision taken in the meeting as agreed to by the Ministry of Labour. The position is expected to improve in the next few months.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### Recommendation (SI No. 24, Para 2.93)

3.16 The Committee further desire that the Ministry should make all out efforts for recovery of outstanding dues by taking stern legal actions against the defaulting establishments without further loss of time. As regards quick disposal of Court cases, the Ministry should make efforts for setting up Special Courts on the pattern of State of West Bengal to handle PF matters exclusively in other States also.

### Reply of the Government

3.17 In order to expedite recovery of PF dues several steps were taken by the EPF Organisation during 1997-98.

The details are as under:—

Bank accounts attached	1470
Movable and Immovable properties attached	354
Arrest warrant issued	550
Prosecution filed Under Section 14 of the EPF & MP Act	1919
Complaints filed Under Section 406-409 of IPC	369

3.18 A sum of Rs. 193.00 crores has been recovered during 1997-98 as against Rs. 105.00 crores recovered during the preceding year. In order to expedite settlement of disputes relating to PF the Government has set-up an EPF Appellate Tribunal in Delhi with effect from 1.7.1997. The Tribunal is holding camp hearing of the PF cases on rotational basis in different parts of the country. As on 31.8.1998 the EPF Tribunal has heard and disposed off 560 cases.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

## CHAPTER IV

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

#### Recommendation (Sl. No. 7, Para 2.7)

4.1 The Committee note that the total approved outlay for DGET during the Eighth Five Year Plan was Rs. 241.92 crore and the expenditure against this outlay was Rs. 131.62 crore. The reasons put forth by the Ministry for less utilisation of funds earmarked under the Plan *viz.* the delay in implementation of Hi-Tech component, delay in setting up of new RVTIs, delay in procurement and supply of equipments, etc. are not satisfying to the Committee. In the opinion of the Committee, the monitoring of the Ministry in this regard has not been upto the mark.

#### Reply of the Government

4.2 For reasons beyond the control of the Ministry the utilisation of funds has not been as expected. The involvement of 28 States/UTs, other Govt. agencies and manufacturers/suppliers of equipment made the Ministry's task all the more difficult. All efforts, however, were made to expedite implementation of the various components/schemes of the project and incurring of the expenditure as envisaged.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### Comments of the Committee

Please see para 1.5 of Chapter I of the Report.

#### Recommendation (Sl. No. 17, Para 2.52)

4.3 The Committee are distressed to note that though the National Commission for Agricultural Labour set up in 1987, recommended the Government in 1991 for bringing agricultural labour into the mainstream of the organised sector yet the Ministry has not been able



to come forward with a legislation even after a lapse of seven years. The reasons put forth by the Ministry that much time was taken in persuading the State Governments to arrive at a decision is not acceptable to the Committee. In the opinion of the Committee, the Ministry has not given due attention to the issue. The Committee, therefore, strongly recommend that the Ministry should make immediate efforts to get the approval of the Cabinet and bring forth a comprehensive legislation during the Current Session of Parliament.

### **Reply of the Government**

4.4 The Government has been giving due attention to the issue of bringing a legislation for agricultural workers. In fact the proposal was taken to the Cabinet three times on 1.7.96, 25.9.96 and 11.3.97. A Bill was also drafted in consultation with the Legislative Department pursuant to the direction of the Cabinet. A Group of Ministers was constituted for consideration of the same and it was directed that the State Governments may be consulted afresh.

4.5 The matter was placed before the State Labour Ministers Conference held on 8.7.98 for discussion. The said Group of Ministers has since been wound up and the comments of various State Governments have been compiled. In view of the serious reservations expressed by most of the State Governments, the whole matter is being given a fresh look.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Comments of the Committee**

Please see para 1.7 of Chapter I of the Report.

### **Recommendation (Sl. No. 21, para 2.76)**

4.6 As regards setting up of Subsidiary Corporation of the ESIC in States based on the pattern of Central ESIC, the Committee desire that the matter should be taken up with the State Governments on a firm footing so as to ensure effective administrative accountability and timely realisation of arrears.

### **Reply of the Government**

4.7 The matter regarding setting up of Subsidiary Corporations of the ESIC has been referred to the State Governments. The Governments of Karnataka and J&K have supported the proposal but the Governments of West Bengal and Orissa have opposed it. Responses from other State Govts. are awaited.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Comments of the Committee**

Please *see* para 1.10 of Chapter I of the Report.

## CHAPTER V

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

#### **Recommendation (Sl. No. 3, Para 1.11)**

5.1 The Committee further note that some of the State Governments have formulated labour welfare schemes for the labourers in the unorganised sector in their respective States. The State Governments are liable to pay income tax on accrued interest on labour welfare funds being collected from the employers. In the opinion of the Committee the welfare funds are to be utilised for extending the social security coverage over the poor and needy labourers and as such it should not be subjected to levying of income tax. The Committee, therefore, urge the Ministry to take up the issue with the Ministry of Finance urgently.

#### **Reply of Government**

5.2 The question of exemption of Income Tax to the State Governments, on accrued interest on labour welfare funds, basically relates to Ministry of Finance and State Governments can directly approach to Ministry of Finance in this behalf. However, as per recommendations of the Standing Committee, the State Governments have been requested to furnish the full details/justifications such that the Ministry of Labour can support the proposal and recommend the same to Ministry of Finance for their favourable consideration.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### **Recommendation (Sl. No. 6, Para 14)**

5.3 As regards modernisation of Employment Exchanges through computerisation and functioning of Self-Employment Cells, the Committee are of the firm view that the matter should be vigorously pursued with the State Governments pending revival of the scheme as a Centrally Sponsored Scheme during the Ninth Plan.

### **Reply of the Government**

5.4 Revival of the Centrally Sponsored Scheme on computerisation of the Employment Exchanges will require the approval of the Cabinet and the Planning Commission is not willing to support the proposal since this was as per the decision of the National Development Council. Therefore, the modernisation of Employment Exchanges through computerisation and functioning of self-employment Cell will have to be resorted to by the State Governments through their own funding. Ministry of Labour has been pursuing with the State Government to continue the efforts made by the Central Government to modernise and computerise the Employment Exchanges with a view to playing pro-active role in the present Labour Market Scenario not only by serving as placement agencies but also as Career Counseling, Vocational Guidance, Self-Employment Promotion Centres and additionally having the capabilities of creating requisite data base for manpower planning and management. Secretary, Labour wrote to the State Governments vide his letter dated 13 February, 1998 followed by the letter from the Additional Secretary on 27th April, 1998. The response received from the State Governments is quite encouraging. Secretary, Labour further pursued the matter vide his letter dated 23rd July, 1998 to further impress upon the remaining State Governments to take action on effective modernisation and computerisation of the Employment Exchanges. The matter is being pursued vigorously and it is hoped that the computerisation of the Employment Exchanges will be taken as one of the main thrust areas of the State Government while finalising the scheme for the State. Planning Commission has agreed to support such schemes when the schemes are finalised by them at Planning Commission.

5.5 Further, in order to ensure that all the Employment Exchanges are computerised on uniform lines, a scheme on modernisation of few selected Employment Exchanges on pilot basis has been drafted for implementation through the Central funding. The scheme is under consideration of the Planning Commission.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 8, Para 2.8)**

5.6 The Committee further note that the Expenditure Finance Committee of the Ministry of Finance has since accorded their approval

for continuation of the activities and incurring of expenditure from Plan funds during the remaining period of Ninth Plan in respect of schemes already approved by CCEA in May, 1997. The Committee, therefore, urge the Ministry to make all efforts for early completion of the schemes already undertaken during the Eighth Five Year Plan. Also special efforts should be made by the Ministry to complete in time the four schemes for which the World Bank has agreed to extend their assistance upto 31.12.98.

### **Reply of the Government**

5.7 All efforts are being made to boost utilisation of the plan expenditure during the year 1998-99 with major thrust on expenditure under those components for which the World Bank assistance will cease on 31.12.1998.

5.8 Joint review of the Project was taken up by the IDA Mission and Govt. of India team led by Director General, DGET from June 15-29, 1998 commencing with regional review meetings at Delhi, Mumbai and Chennai. A wrap up meeting with the Additional Secretary, MOL and State Secretaries implementing the Project was also held to conclude the discussions of the regional reviews.

5.9 Joint review of the Project was again taken up by the IDA Mission and Govt. of India team from November 13-24, 1998 commencing with regional review meetings at Delhi, Calcutta and Bangalore. A wrap up meeting with the Additional Secretary, MOL was also held to conclude the discussions of the regional meetings.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 9, Para 2.9)**

5.10 The Committee note with distress that though the Apex Hi-Tech Institute at Bangalore was designed with the intention that the workers and the industry should not lag behind the best in the world and was accorded priority by the Ministry yet the proposal remained on paper only which clearly indicates the level of monitoring the Ministry is having over the scheme. The Committee, therefore, strongly recommend that the Ministry should improve its monitoring mechanism and make all out efforts to get the proposal cleared by GTZ and KFW (German Agencies) for providing assistance so that the Hi-Tech Institute

is established for the benefit of workers and industry. Steps taken and progress achieved in this regard should be communicated to the Committee periodically after every six months.

### **Reply of the Government**

5.11 The Apex Hi-Tech Institute at Bangalore was proposed to be set up for upgrading skills of new generation of workers and trainers in high technology areas. In view of the high cost of equipment and fast obsolescence in the high technology areas DGET had been seeking external assistance to set up this Institute as in-time self sustaining enterprise. After stoppage of the World Bank support for buildings and equipment for this institute after 31.12.1996 efforts have been continuing for seeking German Assistance through DEA, Ministry of Finance under Indo-German Technical Co-operation Agreement. The Expenditure Finance Committee in its meeting held on 5th March, 1998 considered the proposal of the Labour Ministry to continue all Central Plan Schemes under the Vocational Training Project upto the end of the IX plan with Govt. of India funds wherever the World Bank support was coming to close. However, EFC accorded only 'In-Principle' approval for setting up of the Apex Hi-Tech Institute at Bangalore subject to external assistance being tied up for the same, after which the department will take it up for necessary EFC approval. The proposal for external assistance was slated for discussions during May, 1998 in Bonn (Germany) under Indo-German Aid negotiations but the discussions did not take place due to unforeseen circumstances totally beyond the control of the Ministry. The proposal is likely to be taken up by German Govt./GTZ/KFW shortly.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 10, Para 2.20)**

5.12 The Committee note with distress that though the indent for equipment for computer for the desk top publishing unit for the scheme of strengthening of NVTI/RVTI under the World Bank Assistance worth Rs. 60.00 lakhs were placed by the Ministry to DGS&D in July, 1995 yet the equipment could not be procured by DGS&D till 31.12.97, the date on which the World Bank had imposed an embargo on the expenditure to be incurred under the scheme. The reply of the Ministry that it has been making regular follow-up with the DGS&D but that the matter was not taken up at Minister's level is not satisfying to the

Committee. In the opinion of the Committee, Ministry's monitoring over the entire World Bank schemes has not been upto the mark. The Committee, therefore, urge the Ministry to submit fresh proposal for supply of equipment for computers to the Expenditure Finance Committee under the Ministry of Finance under Plan Budget and efforts should be made for its early clearance without loss of time so that Women trainees should not suffer further and the very purpose of establishing the vocational Training Institutes is not defeated.

### **Reply of the Government**

5.13 The indent for purchase of equipment for the Desk Top Publishing units under the World Bank Assisted Scheme 'Strengthening of NVTI/RVTIs' was placed on DGS&D in July 1995. DGS&D in their technical evaluation meeting held on 22.5.98 treated the indent as cancelled and withdrawn as they could not get the appropriate technically qualified quotations and asked DGE&T to procure on its own. After taking approval of Finance, the field Institutes have been allowed in July 1998 to initiate the procurement process. The Institutes have invited the quotations. Some quotations have been received and are being processed for approval.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### **Recommendation (Sl. No. 12, Para 2.34)**

5.14 The Committee note with concern that though full payment had been made by the Ministry to Haryana Urban Development Authority for the land for the Regional Labour Institute at Faridabad on 31.3.98 yet the possession of the land has not so far been handed over to the Ministry. The Committee have been further informed that the matter was taken up at the Minister's level in the years 1991, 1994, 1995 & 1996 and now the matter will be taken up at the Secretary's level for waiving off the interest demanded by HUDA amounting to Rs. 17,41,452.00 and taking possession of the land. The Committee fail to understand as to why the matter was not reviewed at the Minister's level in the years 1997 and 1998 and under what circumstances the payment to HUDA was delayed. In the opinion of the Committee the monitoring of the Ministry over the issue has not been satisfactory. The Committee, therefore, urge the Ministry to take up the issue again at the highest level and ensure that the possession of land is handed over to Government without further loss of time.

Also vigorous efforts should be made to make the Institute functional at the earliest. Steps taken and progress achieved in this regard should be communicated to the Committee within three months.

### Reply of the Government

5.15 The matter of waiving off the interest for late payment and for transfer/possession of land to Ministry of Labour has been taken up with the Chief Secretary of Govt. of Haryana on 25.6.98 at Secretary's level. However, Govt. of Haryana/HUDCO has not responded till date. Another letter at Minister's level is being issued for immediate transfer of land so that the work on the establishment of the proposed Institute could be started.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

### Recommendation (Sl. No. 14, Para 2.36)

5.16 The Committee further recommend that the DGFASLI organisation should make all out efforts to finalise Safety Audit Reports conducted by them in Major Ports at the earliest. Also effective monitoring should be done by them in regard to compliance of their findings in the audit reports by Port Trust Authorities.

### Reply of the Government

5.17 The DGFASLI undertook Safety Audits in the ports of Tuticorin, New Mangalore, Kandla, Cochin, Paradip, J.L. Nehru and Mormugao. The reports of Tuticorin, New Mangalore and Kandla Ports have been sent to the respective Chairmen for compliance of the recommendations in the report. However, Part-II of the report, concerning isolated storages of chemicals and petroleum products at the port of Kandla, is under preparation and likely to be completed shortly. The DGFASLI is monitoring the progress in regard to the compliance of these reports.

5.18 The field visits at the ports of Paradip and Cochin have been completed and the reports are under preparation. At the ports of J.L. Nehru and Mormugao, the preliminary visits have been completed. Field visit to J.L. Nehru Port has been partly completed. Field visit to Mormugao will be conducted shortly.



5.19 The Port of Visakhapatnam, although agreed to in principle for conducting the safety audit, has not yet sent its final acceptance. On hearing from the Port, the DGFASLI will undertake safety audit in this port.

5.20 At the ports of Calcutta and Mumbai, safety audits on 'Container Handling of Dangerous Goods' have been completed and reports submitted. DGFASLI has received the compliance of recommendations of these audits from the Ports and is further following up with these Ports.

5.21 DGFASLI is yet to receive request from the Chennai Port Trust for safety audit.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### **Recommendation (Sl. No. 18, Para 2.59)**

5.22 The Committee note with concern that though the scheme for providing homes for Hamals was introduced by the Ministry of Labour in 1996-97 as a Plan Scheme in the States of Karnataka and Madhya Pradesh for providing residential facilities to Hamals *i.e.* loaders and unloaders found at bus stations, railway stations, etc. and are highly unorganised yet the future of the scheme is as of now uncertain due to fact that the State Governments are not coming forward with their proposals. The Committee are not happy with the situation. In their opinion, the Ministry lacks coordination with the State Governments and its monitoring of the scheme has not been satisfactory. The Committee, therefore, recommend that the Ministry should take up the issue with the State Governments on priority for continuation of the scheme in the Ninth Five Year Plan. Also efforts should be made for setting up a Welfare fund by persuading the State Governments, so that basic needs like health, hygiene, sanitation, etc. of Hamals are taken care of. Steps taken in this regard should be communicated to the Committee.

#### **Reply of the Government**

5.23 The matter has already been taken up with all the State Governments for identification of Hamals, area of concentration, income levels, provision of land by State Govt. etc. In this regard Secretary (Labour) has already addressed all the Chief Secretaries

of the State Governments/U.Ts in July, 1998 impressing upon them the need to provide requisite data quickly. This is being followed up vigorously with State Governments through regional Welfare Commissioners. A monthly return has been devised to monitor closely the progress of implementation of the scheme in the States of Karnataka and Madhya Pradesh. A feasibility study to assess the implementation of the scheme, its improvement/replication in other States has also been proposed. The outcome of the proposed study will be examined in consultation with the State Govts. and if found feasible Planning Commission and Ministry of Finance would be approached for its extension and inclusion as a regular scheme in the Ninth Five Year Plan with suitable modifications, if any. The feasibility of Welfare Fund for Hamals would be examined on the basis of this study as well as the reports/proposals which have been invited from the State Governments.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

#### **Recommendation (Sl. No. 22, Para 2.77)**

5.24 The Committee note that most of the ESI hospitals do not have diagnostic facilities and the kind of services rendered is not upto the mark. Also complaints have been received about shortages of doctors, medicines, equipments, etc. in the ESI hospitals. In some of the ESI hospitals run by the State Governments, equipment requisitioned could not be procured for more than a year. The condition in the hospitals run by the Corporation is more or less the same. The Committee feel that in absence of equipments, an ordinary worker is deprived of his right to specialised treatment. The Committee, therefore, strongly recommend that the Ministry should monitor the functioning of the Corporation effectively and ensure that medicines and equipments requisitioned by the hospitals are supplied to them quickly. Also the ESI Corporation should take necessary steps for filling the vacancies of doctors and para medical staff at the earliest.

#### **Reply of Government**

5.25 Functioning of the ESI Corporation is being periodically reviewed in the Ministry and efforts are constantly being made for streamlining working of the ESI Scheme. Necessary steps are also being

taken by the ESIC to fill up the vacant posts of doctors and para medical staff.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

**Recommendation (Sl. No. 23, Para 2.92)**

5.26 The Committee note with pleasure that in accordance with their recommendation, the Government amended the EPF&MP Act to abolish the provision of infancy period resulting in higher coverage of establishments under the Act. However, the growth in coverage is not satisfying to the Committee keeping in view the fact that out of about 350 million work force only 22 million has so far, been covered under the Act. In the opinion of the Committee the provisions relating to the quantum of employment and scheduled industries restrictions incorporated in EPF & MP Act, 1952 are a source of unfair practice by unscrupulous employers. The Committee, therefore, urge the Government to further amend the Act so that an ordinary labourer is not deprived of his rights as was recommended in their Fifth Report on Demands for Grants, 1997-98.

**Reply of the Government**

5.27 The recommendations of the Committee relating to the quantum of employment and scheduled - industries restrictions involve amendment of the EPF & MP Act, 1952 and the same is under consideration in consultation with the Ministry of Finance.

[Ministry of Labour O.M. No. H-11013/3/98-Coord. dated 24.12.98]

NEW DELHI;  
March 12, 1999  
*Phalguna 21, 1920 (Saka)*

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

MINUTES OF THE THIRTEENTH SITTING OF THE STANDING  
COMMITTEE ON LABOUR AND WELFARE HELD ON  
THURSDAY, 11 MARCH, 1999

The Committee met from 15.30 hrs. to 16.15 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Harin Pathak — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Surender Singh Barwala
3. Smt. Sandhya Bauri
4. Shri Jaysinhji Manshingji Chauhan
5. Shri Ajoy Mukhopadhyay
6. Shri Khagapati Pradhani
7. Shri Virendra Kumar
8. Shri Sita Ram Yadav
9. Shri Mansukhbhai Vasava

*Rajya Sabha*

10. Shri Vijay J. Dadra
11. Km. Nirmala Deshpande
12. Shri Hiphei
13. Shri Bangaru Laxman
14. Shri Jibon Roy
15. Shri P. Soundararajan
16. Miss Frida Topno

## SECRETARIAT

1. Shri Joginder Singh — *Joint Secretary*  
 2. Shri J.P. Sharma — *Deputy Secretary*  
 3. Shri R.S. Misra — *Under Secretary*

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee. The Committee then took up the following Action Taken Reports for consideration and adopted the same without any modification:—

- (i) Draft Report on Action Taken by the Government on the Recommendations/Observations contained in the Fourth Report of the Committee on Demands for Grants, Ministry of Labour—1998-99.

(ii) \*\* \*\* \*

3. The Committee authorised the Chairman to present the above Reports to Parliament on their behalf.

4. \*\* \*\* \*

*The Committee then adjourned.*

## APPENDIX

[Vide Introduction of the Report]

*Analysis of action taken by the Government on the Fourth  
Report of the Standing Committee on Labour and  
Welfare (Twelfth Lok Sabha)*

	Total	Percentage
I. Total number of Recommendations	24	
II. Recommendations/Observations which have been accepted by Government  (Nos. 1, 4, 15, 16, 19 and 20)	6	25%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government replies  (Nos. 2, 5, 11, 13, and 24)	5	20.83%
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee  (Nos. 7, 17 and 21)	3	12.5%
V. Recommendations/Observations in respect of which final replies of Government are still awaited  (Nos. 3, 6, 8, 9, 10, 12, 14, 18, 22 and 23)	10	41.67%