

THIRTY -SECOND REPORT
STANDING COMMITTEE ON LABOUR
(2011-12)

(FIFTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**WELFARE OF GLASS AND BANGLE WORKERS OF
FIROZABAD – A CASE STUDY**

Presented to Lok Sabha on 30.8.2012

Laid in Rajya Sabha on 30.8.2012



LOK SABHA SECRETARIAT

NEW DELHI

August, 2012/Bhadrapada, 1934 (Saka)

CONTENTS**PAGE (S)****COMPOSITION OF THE COMMITTEE (iii)****INTRODUCTION (v)****REPORT****CHAPTER – I Introductory****CHAPTER-II Observations/Recommendations****ANNEXURES**

- (i) Pre-revised and revised norms for setting up of ESI hospitals
- (ii) Minutes of the sitting of the Committee held on 29.6.2012 and 23.8.2012

COMPOSITION OF THE STANDING COMMITTEE ON LABOUR

(2011-12)

SHRI HEMANAND BISWAL - CHAIRMAN

2. Shri Raj Babbar
3. Shri Dara Singh Chauhan
4. Dr. Virendra Kumar
- **5. Shri Pakauri Lal
6. Shri Narahari Mahato
7. Shri Hari Manjhi
8. Shri P. Balram Naik
9. Smt. Mausam Noor
10. Shri Jayaram Pangi
11. Shri Sanjay Dina Patil
12. Shri S. Pakkirappa
13. Shri Mahendra Kumar Roy
14. Ms. J. Shantha
15. Shri Bhausahab Rajaram Wakchaure
- *16. Shri Konakalla Narayana Rao
- ****17. Shri T.K.S. Elangovan
18. Vacant
19. Vacant
20. Vacant
21. Vacant
- RAJYA SABHA**
22. Shri D. Bandyopadhyay
23. Shri Mohd. Ali Khan
24. Shri Aayanur Manjunatha
25. Dr. E. M. Sudarsana Natchiappan
- ***26. Shri Rudra Narayan Pany
27. Smt. Renubala Pradhan
28. Shri Ranbir Singh Parjapati
29. Shri Rajaram
- ***30. Shri Praveen Rashtrapal
31. Shri G. N. Ratanpuri
- ***** 32. Shri Thaawar Chand Gehlot

-
- * Nominated *w.e.f* 25th November, 2011.
** Ceased to be Member of the Committee consequent upon his nomination to Standing Committee on Coal & Steel *w.e.f.* 3rd January, 2012.
*** Retired *w.e.f.* 02.04.2012 and 03.04.2012 respectively.
**** Nominated *w.e.f.* 12th April, 2012.
*****Nominated *w.e.f.* 4th May, 2012.

SECRETARIAT

- | | | | |
|----|-----------------------|---|---------------------|
| 1. | Shri Devender Singh | - | Joint Secretary |
| 2. | Shri P.V.L.N. Murthy | - | Director |
| 3. | Shri Ashok Sajwan | - | Additional Director |
| 4. | Smt. Bharti.S. Tuteja | - | Deputy Secretary |

INTRODUCTION

I, the Chairman of the Standing Committee on Labour (2011-12) having been authorized by the Committee to submit the Report on their behalf, do present this Thirty-Second Report on **Welfare of Glass and Bangle Workers of Firozabad – A Case Study**'.

2. The Committee taking note of the violation of Labour Laws and poor working conditions of glass and bangle workers of Firozabad undertook a study visit to Firozabad on 15.4.2011 to get a first hand information on the plight of these workers. The Committee, thereafter, selected the subject for detailed examination.

3. The representatives of Ministry of Labour and Employment for tendered evidence on 29.6.2012.

4. The Committee wish to express their thanks to the representatives of the Ministry of Labour and employment for placing before them their views and also for providing detailed written notes and information solicited by them on the subject.

5. The Committee considered and adopted the draft Report at their sitting held on 23.8.2012.

6. For facility of reference and convenience, the Observations/Recommendations have been printed in bold type in the body of the Report.

***New Delhi,
23 August, 2012,
1 Bhadrapada, 1934 (Saka)***

***(HEMANAND BISWAL)
CHAIRMAN,
STANDING COMMITTEE ON LABOUR***

REPORT

CHAPTER-I

Introductory

Firozabad in Uttar Pradesh is famous world over for its beautiful bangles and other glass products like fancy lights, lamps, wine glasses and chandeliers. During ancient periods, invaders brought many glass articles to India. These glass articles when rejected were collected and melted in locally made **furnace** called as “Bhainsa Bhatti.” This was the start of the glass industry in Firozabad. At present, the combined turnover of the glass industry runs into several crores of rupees every year. More than one lakh workers are employed directly in factories, the rest do home-based tasks and are also involved in transporting bangles from one-point to another. It is estimated that more than three lakh unorganized workers, help the bangle and glassware industry in Firozabad.

2. While the main work is done in factories, the decoration, soldering of the joints, straightening and bending are done in homes by children particularly girls (who are not yet in their teens) to

supplement their family incomes. Each bangle passes at least 60 hands, most of whom are low-paid workers. Out of seven-lakh population of the town, barring the factory owners, everyone else belongs to the working class. Each family is responsible for only one stage of bangle making, completes the bangles in bundles and is paid after returning the completed bundles to the contractors. Each bundle contains 315 bangles and the family is paid two rupees per bundle for its completion. An average size family normally completes 40 bundles in one day, which means an earning of 80 rupees. The fact that such a large number of workers work in homes indicates the cost advantages to the employers in terms of hiring an establishment and employing regular labour.

3. The attention of the Standing Committee on Labour was drawn towards the pitiable working conditions of the workers engaged in bangle and glassware industry in Firozabad. The Committee concerned with the poor working conditions, continuous inhaling of the pollutants emitted during manufacturing of glass products by these workers leading to respiratory disorders, inadequate health care facilities, low wages, incidence of child labour and growing tendency

amongst the employers to do away with permanent workers took up examination of the subject.

4. The following written information was furnished by the Ministry of Labour and Employment regarding various social security schemes, ESI facilities, Provident Fund, Child Labour and other issues in respect of glass and bangle industry in Firozabad:

"ESI Facilities

There are 315 factories and 4749 IPs in Firozabad.

There are 2 dispensaries including 1 mobile dispensary and Branch Office of the ESIC for disbursement of cash benefit in Firozabad to cater to the needs of IPs and their family members."

Regional Provident Fund Commissioner Office

There are 395 establishments engaged in glass industry 89059 members involved in these establishment are covered under This RPFC office. There are 45 defaulting establishment and 3724 members are involved in these defaulting establishments. Rs.17,51,716.20 have been recovered from 34 defaulting establishments. Inquiry u/s 7A is in progress against 18

establishments and recovery action against 27 defaulting establishments is being taken."

Wages

Minimum wages fixed for un-skilled categories in bangle industries is Rs 140 per day, which is by and large paid to them. The proposal to revise rates of wages is in process. There are lots of categories of the workers in this industry and they are paid as per tripartite agreement."

Child Labour

No incident of child labour in factories has been detected. However, it has been reported that some child labour may be engaged in home based work."

Working Conditions

The majority of units are small and they are using old and traditional technology."

5. To ascertain the factual position, the Committee visited Firozabad in April, 2011 to interact with workers of some bangle factories and also visited a State run ESI dispensary which is as under:

(i) The medical facilities provided to the bangle workers were far from adequate. The ESI dispensary for these workers was in a dilapidated state, not a single doctor was there and it did not have adequate medicines.

(ii) According to a case control study of chronic bronchitis in glass and bangle workers; the exposure in glass bangle factories was mainly due to the flue products emanating from various coal furnaces and on-going chemical processes in different units. The flue gases remained trapped within the factory environment as only the main furnace is provided with a chimney, which partially removes the gases. The high prevalence of chronic bronchitis in the glass bangle industry was the result of long-term exposure to pollutants emitted during the manufacturing process.

(iii) The factories were filthy and condition of workers miserable. The factories did not have any working environment and workers were exposed to immense heat and sound which was far beyond permissible levels.

(iv) The employers did not give the workers any lunch break and the workers could not ease themselves when they want to or even wash their hands considered as wastage of time as the furnace kept burning.

(v) The workers working at shop floor were not given protective gear for their eyes or hands. As they worked in front of furnace and accidents were also common. The tools used were obsolete, technology was old and traditional.

(vi) Women worked in worse conditions usually employed in factories to clear the molten glass that fell around the furnaces. They were always at the mercy of the supervisors.

(vii) The women were not only paid wages on par but also denied maternity benefits.

(viii) Children were employed in packing and sorting work.

(ix) Since child labour is prohibited there is a tendency to outsource the work to village homes. Due to this, children are forced to forego their education and assist their parents.

(x) There are few National Child Labour Project (NCLP) schools for education of these children but the location of these schools is not decided on the basis of incidence/concentration of child labour.

6. When asked about the social security benefits available to glass and bangle workers, the Ministry replied:

"That in the organized sector, under ESI Scheme, there is no specific benefit which is exclusively admissible to glass and bangle workers, 11335 workers including glass and bangle workers working in factories/establishments belonging to organized sector are registered under ESI Scheme in Firozabad.

As for workers covered under Employees' Provident Fund Scheme, the Employees' Provident Fund Organization does not maintain statistics pertaining to number of workers. The coverage of establishments under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is done irrespective of the fact whether the establishment falls under

the organized sector or unorganized sector. There are 70061 workers covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 in respect of glass and bangle industry, located in Firozabad district. The number of glass and bangle workers in the unorganized sector is not available."

7. When asked about the number of ESI hospitals/ dispensaries situated in and around Firozabad and other areas in Uttar Pradesh where glass and bangle workers are concentrated, the Ministry replied as under:

"There is one ESI Hospital situated in Agra and 02 ESI dispensaries in and around Firozabad and Shikohabad."

8. On being asked about the specialized hospitals that have been set up in and around Firozabad to take care of the medical needs of the patients of respiratory diseases and other occupational hazards, the Ministry stated that:

"Medical care needs of glass workers covered under ESI Scheme are being provided through ESI Hospital, Agra and other empanelled Hospitals."

9. It was brought to the notice of the Committee during evidence that the muster rolls are not maintained by the employers and

specially women are not shown in their rolls. Also, the employers deposit the subscriptions with the EPFO in the names of fake employees.

10. Regarding the steps taken by the Ministry to cover all the workers engaged in glass and bangle industry under the social security schemes, the Ministry stated:

"So far as coverage of glass bangle factories in Firozabad under Employees' State Insurance Act, 1948 and Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is concerned, all coverable units have been surveyed and covered. Rashtriya Swasthya Bima Yojana which was initially launched for BPL families (a unit of five) in the unorganized sector has been extended to certain occupational groups. It is the endeavour of the Government to provide RSBY to other occupational groups in the unorganized sector in a phased manner."

11. When asked whether the feasibility report on setting up an ESI Hospital in Firozabad been prepared, the Ministry's reply was:

"For setting up of a new ESI Hospital in an area, ESI Corporation has laid down following norms based on the number of Insured Persons (IPs). At present, for setting up of a new ESI Hospital in a area, there should be a minimum number of 25000 IPs for 100 bedded hospital. In Firozabad area, as per the last survey, the IP strength is around 19493. As and when, this number reaches 25000, the proposal for a

hospital will be considered. The pre-revised and revised norms for setting up of ESI hospitals is given at **Annexure.**"

12. On being asked about the schemes formulated and notified by the Central government for the welfare of home-based-workers on matters relating to life and disability cover, health and maternity benefits and old age protection under the Unorganized Workers' Social Security Act, 2008 and the number of workers engaged in the glass and bangle industry are covered under each of these schemes, the Ministry in a detailed reply stated as under:

"The Government launched the following schemes to provide social security to certain categories of unorganized workers, including home based workers. These schemes are also listed in Schedule-I of the Unorganised Workers' Social Security Act, 2008.

The RSBY was launched on 01.10.2007 to provide for smart card based cashless health insurance cover of Rs.30,000/-per annum per family (a unit of five) to BPL families in the unorganized sector, including glass and bangle workers. Category-wise coverage under RSBY is not maintained.

The scheme became operational from 01.04.2008. The scheme also provides maternity benefits. The scheme has since been extended to certain occupational groups in the unorganised sector viz., building and other construction workers {registered under the Building and other Construction Workers (Regulation of Employment and Condition of Service) Act,1996}, street vendors, beedi workers, MGNREGA

beneficiaries (who have worked for more than 15 days during the preceding financial year) and domestic workers. It is the endeavour of the government to cover all unorganised workers under the scheme in a phased manner.

The Aam Admi Bima Yojana (AABY) was launched on 02.10.2007 to provide insurance cover to the head of family or one earning member of rural landless households. Under the scheme, the head of the family or one earning member in the family is insured. The benefits include Rs.30,000 in case of natural death; Rs.75,000 for accident death or total permanent disability due to accident and Rs.37,500 for partial disability due to accident. The premium of Rs.200/- per member per annum is equally shared in the ratio of 50:50 between Central Government and respective State Government/ Union Territory. The children of beneficiaries of AABY studying between classes IX and XII are eligible to a scholarship @Rs.100/- per month upto a maximum of two children. Category-wise coverage under AABY is not maintained.

Indira Gandhi National Old Age Pension scheme (IGNOAPS) was expanded by revising the eligibility criteria. The persons living below poverty line and in the age group 60-79 years are eligible for old age pension of Rs.200/- per month. For BPL persons of 80 years and above, the amount of pension has been raised to Rs.500/-per month. District-wise or category-wise information is not maintained under IGNOAPS. The scheme is applicable to all eligible persons of BPL category including glass and bangle workers of BPL category."

13. It has been stated that 11335 workers including glass and bangle workers are covered under ESI scheme in Firozabad. On the steps taken to address the medical care needs of rest of the workers who are engaged in the industry but are not covered under ESI, the Ministry stated as follows:

"In the unorganized sector following separate legislations have been enacted by Parliament to provide health , social security , housing, medical care, educational and recreational facilities to workers employed in beedi industry, certain non-coal mines, and cine workers:

- The Mica Mines Labour Welfare Fund Act, 1946;
- The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972;
- The Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976;
- The Beedi Workers' Welfare Fund Act, 1976; and
- The Cine Workers' Welfare Fund Act, 1981."

Government has approved setting up 4 new Hospitals, 38 Static-cum-Mobile Dispensaries and 2 Static Dispensaries in various LWO Regions. Under the Education Scheme, instructions have been issued to all Welfare Commissioners to pay the scholarship through Savings Bank Accounts.

Apart from the above, a Health Insurance Scheme namely, the 'Rashtriya Swasthya Bima Yojana' for BPL families (a unit of five) in Unorganised Sector formally became operational from 01.04.2008 and benefit under scheme started accruing to the beneficiaries.

The beneficiaries under the scheme are entitled to smart card based cashless health insurance cover of Rs.30,000 per

family per annum on a family floater basis; coverage of all pre-existing diseases; coverage of hospitalisation expenses, including maternity benefit and Payment of transportation cost of Rs.100/- per visit."

14. The Secretary, Ministry of Labour & Employment depositing before the Committee on the subject, stated that we are also grateful to you that you have sensitized the various stakeholders on the plight of the glass and bangle workers. Due to your visit, we have been able to take up the matter with the State Government and a lot of new initiatives are now moving. From our side, firstly, we are now going to include and glass and bangle workers in the sector of unorganized workers which will be now eligible for extension of Rashtriya Swasthya Bima Yojana after we get the proposal cleared by the Central Government. It has to get the Cabinet approval. The Rashtriya Swasthya Bima Yojana, as you know, is a very laudable scheme, which is being implemented all over the country and has got a lot of encomium from without and outside the country. It is running very successfully and we are sure that once we include some of the different sectors of unorganized workers into the scheme, they will also be included because at present, it is for the below poverty line people in the country. But some unorganized sectors are getting

in and we will also include the glass and bangle workers which will be approved shortly. It will be a good booster for the people there.

15. On the issue of opening a ESI hospital in Firozabad, the Secretary, Ministry of Labour & Employment during evidence stated as follows:

“The ESIC has conducted a further survey and based on that survey, the number of workers in Firozabad and Sikhohabad put together is coming to around 21,600 now and they are planning to conduct another survey in July, 2012. As you are aware, a hospital can be given at a place where we have 20,793 insured persons (IPs). ESIC will conduct another survey in July and hopefully they will get these 25,000 IPs and then we can move the proposal for putting up a hospital exclusively for this particular sector in that area. I am sure that will be a big help for the people there.”

16. On the question of the dilapidated condition of the dispensary in Firozabad, which the Committee visited during their study visit to the district, the Secretary, Ministry of Labour & Employment stated:

"I am told that the dispensary, which the hon. Committee saw, was in a bad condition. I am happy to say that they have now moved the dispensary to a better building and personal attention is being given by the DG, ESIC to ensure that people get their treatment and that area gets all the benefit."

17. On the suggestion that if Shikohabad is also included, the number of IPs will go up to 28,000 or 30,000 to enable ESIC to establish a hospital, the Secretary and the DG, ESIC stated that they are definitely eager to give a hospital there which will be run directly by the ESIC. The work for the survey already started. It can definitely stated that it will be run very well, subject to getting doctors to come and work there and stay there and deliver the services. As far as numbers are concerned, as on 31.3.2011 the registered number was 11,321. And after a series of surveys now the number of IPs increased to 19,493 and in the next drive it will be done. A meeting of the employers' association in that area is scheduled for 6th July, 2012. Some more areas where there is a concentration of coverable employees are also being identified for registration. Regarding the issue of the State run dispensary, it was stated that the building was in a very dilapidated condition has been shifted it to a new premises though the State was requested to run it in a better way. The Government also requested the State Government for an NOC to start a Diamond Jubilee Dispensary cum Diagnostic Centre. The State Government was requested and pursued the matter is being State Government has also been requested to identify land so that a hospital can start.

18. When asked whether the Government of Uttar Pradesh has formulated any scheme for the welfare of glass and bangle workers relating to provident fund, employment injury benefit, housing etc. as contemplated under Section 3 of the Unorganised Workers' Social Security Act, 2008, the Ministry replied that as per information available, the State has not yet constituted the Social Security Board under Section-3 of the Act. Scheme relating to provident fund, employment injury benefit, housing etc. are the mandate of the State Social Security Board under the Act. As such, no Central Government funding has yet been provided for scheme notified by the State Government under the Act. State Government has been requested to constitute the State Social Security Board several times. However, no concrete action has yet been taken in this regard by the State Government.

19. On being asked about the number of unorganized workers registered under the Act in the Firozabad District and the number of identity cards issued under the Act, the Ministry replied:

"Since the State has not yet constituted the Social Security Board, the unorganised workers in Firozabad district have not been registered under the Act. However, these workers have been registered by issuing smart cards under RSBY.

As on 02.07.2012, 3.04 crore smart cards have been issued under RSBY. Out of this, 12361 families are in the Firozabad district. However, the occupational group-wise data is not maintained under RSBY."

20. Whether any specialized centre for imparting skills in glass technology and latest advancements in the field to the workers have been envisaged, the Ministry stated that vocational training is a concurrent subject. The decision for opening of new training institute as per local industrial need rests with the respective State Governments.

21. It has also been observed that due to lack of training facilities the glass industry is moving back to bangle making. On the steps taken by the Ministry to give adequate training to the glass workers, the Committee were informed that the Ministry of Labour and Employment and ILO initiated to pursue Central Development Glass Institute (CDGI) under Ministry of Micro, Small & Medium

Enterprises(MSME) situated at Firozabad to undertake the SDI programme further, as it is the only institute available in Firozabad with adequate facilities to conduct training in glassware courses.

Total 04 number of course modules for glass industry have been developed under SDI programme.

22. When asked about the response of local administration on the proposal for creation of training centre submitted to the local administration under the SDI programme in Firozabad cluster, the Ministry replied:

"ILO has initiated a proposal through District Industries Centre (DIC) to the local administration to set up a training centre that will be run by the Government Training and Extension Centre (GTEC) at the District Industries Centre (DIC) premises in Firozabad city centre. Due to administrative reasons, the proposal could not be pursued further by the local administration."

23. On the question of a suggestion that an international level Glass School be opened for skill development and creating new set of crafters to compete with demands of world market, the Ministry stated that no proposal has been received to open an international

level Glass School for skill development for creating new set of crafters to compete with demands in the world market. However, there is already a Central Institute set up by Ministry of Micro, Small & Medium Enterprises for this purpose in Firozabad.

24. When asked whether any census of glass workers been conducted to get the figures relating to the migration of skilled glass workers to other occupations, the Ministry replied in negative.

25. When asked whether the Ministry gives financial assistance to the NGOs who are involved in welfare of glass and bangle workers in Firozabad, the Ministry stated that under the various Welfare Schemes, central share of premium contribution is released to the State Nodal Agencies. No funds are released to NGOs.

26. The workers who are working in factories are denied basic facilities like toilets, canteens, lunch period, recesses, leave and shift duties. Regarding steps taken by the Ministry to ensure that at least basic facilities are provided to those working in the glass and bangle

industry, the Ministry replied that the Factories Act, 1948 is the principal legislation for regulating various aspects relating to safety, health and welfare of workers employed in factories. The Act is a

Central enactment which aims at protecting workers employed in factories from industrial and occupational hazards. The State Government/Union Territory from their State Rules under Act and enforce provisions of the Act and Rules through their Factory Inspectorates.

27. As per reports, the workers of glass industry in Firozabad are being denied even the basic facilities. They are not allowed to take lunch as it results in wastage of gas/fuel of glass furnace. On the efforts made by the Ministry to ensure that the workers are not denied such basic amenities, the Ministry responded as follows:

"The enforcement of the Factories Act, 1948 is with the State Government. The State Government has been requested to look into this issue and ensure that appropriate action is taken for providing suitable amenities to the workers of the Glass Industry."

28. According to reports, the measure dozen differs for the workers and stands for 24 bangles but when sold in markets dozen is equivalent to usual 12 bangles which implies that employers make hefty profits and workers earn meager amount. When asked whether all these facts are kept in mind while deciding the minimum wages to be paid to the workers, the Ministry stated that the subject matter relates to the Government of Uttar Pradesh and information is being collected from the State Government.

29. The Ministry stated that only 273 factories had canteens out of 549 who were required to have canteens under the Factories Act, only 43 out of 182 had crèches and 582 out of 877 had rest rooms etc. On being asked about the steps been taken to ensure that others too have such facilities at earliest and action taken against the defaulting factories, the Ministry responded by stating that the enforcement of the Factories Act, 1948 is with the State Government. The State Government has been requested to look into this issue and ensure that appropriate action is taken for providing suitable amenities to the workers of the Glass Industry. They have also been advised to take appropriate action against the defaulters.

30. The Committee during their visit to Firozabad in April, 2011 also found that large numbers of children were engaged in home-based various processes of bangle making. Regarding steps taken/incentives given by the Ministry to ensure that the children who are involved in home based work get basic/primary education and good health, the Ministry stated that children who are engaged in home based work are generally engaged with their parents or relatives either at home or in the fields and the Act does not prohibit the employment of children to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from Government. However, Government has been initiating a lot of welfare schemes for their education and health safety. Further, Right of Children to Free and Compulsory Education under Right to Education Act, 2009 provides compulsory and free education to children between 6-14 years as their fundamental Right.

31. As per various newspaper reports, child labour is still rampant in Firozabad whereas the Ministry have been denying employment of child labour in the factories in Firozabad. When asked about the basis of denial and the efforts made by the Ministry to track such children and rehabilitate them, the Ministry in a detailed reply stated that the reply is based on the information furnished by Government of Uttar Pradesh vide letter dated 23.03.2011 from Deputy Labour Commissioners. He has informed that Government of Uttar Pradesh has continuously conducted surveys in the glass bangle industry to identify children working in factories/Industrial units. They informed that neither any child labour was found working in any furnace/factory/Industrial units nor did they receive any information of such employment in any industrial unit during the course of their survey. However, they have not ruled out the possibility of children in home based work associated with glass bangle industry.

In this context it may be informed that as per proviso to section 3 of Child Labour (Prohibition & Regulation) Act 1986, home based work is exempted from the ambit of the Act. Government of India is considering plugging this loophole by proposing suitable

amendments to the Act so that commercial exploitation of children in the name of home based work could be stopped.

Ministry of Labour and Employment is implementing National Child Labour Project (NCLP) Scheme in 266 districts including Firozabad district. Under the NCLP Scheme, working children in the age group of 5-14 are rescued from their employment and children in the age group of 5-9 are directly mainstreamed into the regular school run under SSA or schools run by State Government. The working children in the age group of 9-14 years are enrolled in the NCLP special schools, where they are provided with formal / non-formal education, vocational training, mid day meal, stipend of Rs.150/-per month health checkup etc. with the ultimate objective of mainstreaming them in the formal education system in appropriate classes for their age. Under the NCLP Scheme, 114 special schools with 50 children per school are sanctioned for rehabilitation of Child Labour in Firozabad district. The locations of the Special Schools are decided by Project Society headed by the Deputy Commissioner/District Collector based on Survey conducted twice in

a plan period. During the last few years the children mainstreamed by the NCLP Project Society, Firozabad are as under: -

Year	Number of Children Mainstreamed
2005-06	1718
2006-07	2209
2007-08	1086
2008-09	1754
2009-10 & 2010-2011	5159
Total	11926

32. When asked about the steps taken/incentives that are given by the Ministry to ensure that unhealthy and polluting technology is replaced by the state-of-the-art procedures and machinery, the Ministry responded that it did not come under their purview.

33. The rates of minimum wages prescribed for different categories of workers in glass and bangle industry by the Uttar Pradesh Government and their comparison with other State Governments is given in the table below:

Sl. No.	State	Employment	Minimum Wages in Rupees (per day)
01.	Andhra Pradesh	Glass Industry	197.15
02.	Bihar	-do-	144.00
03.	Haryana	-do-	186.42
04.	Jharkhand	Glass Sheet manufacture	145.54
05.	Karnataka	Glass & Glassware Industry	Area I 151.25 Area II 150.85
06.	Maharashtra	Glass Industry	192.13
07.	Orissa	-do-	92.00
08.	Rajasthan	Glass & China ware	166.46
09.	Uttar Pradesh	Glass Bangles (Unskilled)	165.38
10.	Uttarakhand	Glass Industry	144.04.

34. The Ministry in their replies have shunned their responsibility by putting the onus on the State Government for providing basic amenities to the workers, training opportunities, setting up of training institutes, payment of minimum wages etc. On being asked that by doing so, the purpose of providing subjects in concurrent list gets

defeated, the Ministry in a detailed reply stated that the State Government is responsible for the enforcement of the Factories Act, 1948 which includes provisions of basic amenities to the workers. The Central Government advises the State Government in this regard. Directorate General, Factory Advice Service & Labour Institutes (DG,FASLI), an attached office of Ministry of Labour & Employment has prepared detailed Model Factory Rules for use of the State Governments in framing the Subordinate Legislations. The Ministry seeks reports from the State Government wherever required. In the present case also, the Ministry has taken up the matter with State Government for taking suitable action.

Bangle Industries fall in the State sphere and the Minimum Wages are fixed by the State Government. The enforcement of the Minimum Wages Act, 1948 is also done by the State Government.

Skill Development Initiative (SDI) Scheme is a Centrally Sponsored Scheme with 100% Central assistance. The Central and State Governments share responsibility for effective implementation of SDI scheme in the country. The Directorate General of

Employment & Training (DGE&T), Ministry of Labour and Employment is the nodal body for formulating policies, standards, for the scheme. The State Governments through Vocational Training Providers (VTPs) impart skill based training in short term course modules based on Modular Employable Skills (MES). The Central Government provides funds to the States/ UTs for reimbursement of training cost and assessment fee in order to improve the employability of workers. However, ensuring welfare of workers and payment of minimum wages, etc. is entirely the responsibility of State Government.

CHAPTER-II**OBSERVATIONS/RECOMMENDATIONS**

35. The Committee note as per rough estimates, there are four lakh glass and bangle workers in Firozabad out of which only 19,493 workers are covered under ESI Scheme in Firozabad (UP) and there is only one ESI hospital, that too in Agra, to cater to their medical needs. During their study visit, the Committee were concerned to observe the pathetic condition of the State run ESI dispensary in Firozabad. Although, the Government have taken steps to relocate the dispensary, still, a lot needs to be done to meet the medical requirements of the glass and bangle workers. There is also an urgent need for a specialized hospital for respiratory diseases that most of the glass and bangle workers suffer from. The Committee are happy to note from the Secretary's submission made during the evidence that the Ministry are eager to open an ESI hospital in the region. The Committee recommend the Government to undertake a fresh process of remapping of the IPs for opening a new ESI hospital with speciality in the treatment of occupational diseases related to working in glass and bangle industry at the earliest. They

desire to be apprised of the latest figures and areas covered in and around Firozabad in the remapping process.

36. Taking serious cognizance of the steep rise in sub-contracting, outsourcing of work, home based work etc., the Committee feel that social security schemes like ESI scheme should be extended to these workers also. The Committee are of the firm view that Ministry should explore the possibility of extending the ESI scheme to glass and bangle workers in the unorganized sector also if required by amending the ESI Act so that these poor workers have access to healthcare.

37. The Committee are pleased to note that following their examination of the subject, the Government have decided to bring bangle workers under RSBY at the earliest. The Committee are of the view that till the time an ESI hospital comes up in Firozabad or RSBY scheme is made applicable to the glass and bangle workers, the Ministry could consider providing Primary Healthcare to these workers by sending para-medics from ESIC to

undertake periodic health surveys of these workers and provide necessary medical relief to them.

38. The Committee are anguished to note that the Ministry have distanced themselves from the issues connected with the replacement of unhealthy and polluting technology used by the glass and bangle workers. The Committee wish to invite attention to the Ministry's National Policy on Safety, Health & Environment at Work Place which declares Government's commitment to regulate all economic activities for management of safety and health risks at workplace and to provide measures so as to ensure safe and healthy working conditions for every working man and woman in the country. The Committee strongly feel that since unhealthy and polluting technology directly affects workers' health, the Ministry with the help of State Governments should endeavour to take steps to persuade the employers/ workers to adopt latest and eco-friendly techniques and technology.

39. The Committee note that only 70061 workers are covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and 19,493 workers including glass and bangle workers working in factories/establishments belonging to organized Sector are covered under ESI Scheme in Firozabad whereas, it is estimated that there are more than 4 lakhs glass and bangle workers in Firozabad. Considering the fact that there is outsourcing of work in the glass and bangle industry and workers complete their work at home with the help of their family members and do not qualify for these schemes, the Committee recommend that Ministry may find ways to ensure that at least one member of each family engaged in glass and bangle industry is covered under any of the social security schemes so that each family can have some degree of social security in cases of distress. The Committee also note that there are no specific social security benefits exclusively for glass and bangle workers. The Committee are of the view that it is imperative for the Government of a welfare State to provide these workers essential social security benefits i.e. medical facility, insurance, old age benefits etc. The Committee are of the considered opinion that a dedicated social security scheme for

covering all glass and bangle workers should be chalked out and meanwhile adequate publicity of various ongoing social security schemes be made so that workers can take benefit under these schemes.

40. The Committee note that no census of workers engaged in glass and bangle industry has been conducted by the Government. The Committee feel that unless a census is undertaken, the Ministry cannot formulate and implement schemes for this sector in the absence of any knowledge of the profile and number of the workers engaged in the industry. The Committee recommend that a census and a comprehensive survey of the industry be carried out every 10 years so that the Ministry is able to formulate specific schemes for the welfare of the glass and bangle workers.

41. As per inputs received by the Committee during their study visit to Firozabad in 2011, the workers working in factories are being denied basic facilities like toilets near the place of work, canteens, lunch break, recesses, leave and shift duties etc. The Committee are perturbed to find from the reply of the Ministry that it is the duty of the State Government to ensure that the facilities as prescribed under the Factories Act are made available to the workers. The Committee feel that Ministry should take steps to conduct surprise inspections of the premises frequently which are covered under the Factories Act. The Committee also feel that in absence of such inspections, the Ministry would not be able to derive assurance about the effectiveness of the various labour Acts. The Committee, therefore, recommend that immediate steps be taken to ensure basic facilities as required to be provided in the Statutes by the States who are required to implement the provisions of the Factories Act.

42. The Committee observe that due to lack of training facilities in glass industry, workers are either drifting away to other professions or moving back to bangle making. The Committee note that the decision for opening a new training institute as per local industrial need rests with the respective State Governments. The Committee desire that the Ministry should take up with the State Governments, the need for training of workers and setting up of training institutes by the State Governments. The Committee also desire that Government may consider providing vocational education i.e. courses related to glass industry under the ISDS to the children of these glass workers in schools also so that they can compete the challenges faced by the industry.

43. The Committee note that children are working with their parents at home in glass and bangle making. The Committee feel that this deprives the children of their childhood and ultimately affects their quality of life. The Committee are of the firm view that the Ministry need to take up the issue of revision of minimum wages with the State Government since by increasing

the base minimum wage rates would go a long way in reducing the incidence of children working with their parents if not completely eliminating child labour.

44. The Committee have come across a number of reports wherein it has been stated that children are working in the factories in Firozabad whereas the Ministry, based on the State Government replies, have denied the same. There have also been reports that children are engaged in godowns by the factory owners. The Committee desire that a fresh survey of all the establishments in and around Firozabad be made in collaboration with the State Government to find out the existence of child labour and immediate steps be taken to rehabilitate them.

45. The Committee feel that simply taking children out of the employment may not serve the purpose. The Ministry have to study the mindset of the parents who make their children work and after making such an analysis a multi-pronged strategy including convincing the parents, should be framed to reduce the incidence of child labour.

46. The Committee find that muster rolls are not maintained properly by the employers and many workers, most of them women are not shown on the rolls. The Committee are of the view that the Regional Labour Commissioners should carry out surprise checks in the mornings and in the evenings too at the gates of the establishments to ensure that the number of workers which figure on the muster rolls matches with the numbers found during such inspections.

47. According to some reports, although the provident fund contribution is being deposited by some establishments in Firozabad with the EPFOs in accordance with the number of workers there however, the EPF beneficiaries are not the actual workers. The Committee wish to caution the Regional Provident Fund Commissioner to be extra cautious and take steps to cross check the identity of the genuine EPF account holders besides random inspection of the registers of the establishments.

48. The Committee are disturbed to note the reply of the Government stating that “...ensuring welfare of workers and payment of minimum wages, etc. is entirely the responsibility of State Governments”. This is not acceptable to the Committee when crores of rupees are allocated by them every year to the State Governments for various welfare schemes and the State Governments are accountable as to how the funds have been utilized. The State Governments must be held responsible for not spending or for not properly utilizing the funds allocated for approved purposes and schemes within the given time and manner and this must also be taken into account while allocating funds to such States in future. The Committee, therefore, expect the Union Ministry of Labour and Employment to play a more proactive role to safeguard the interest of the poor workers keeping in view the constitutional injunction that the State shall secure a just social order for the promotion of welfare of the poor people.

49. The Committee are anguished to find that the Social Security Board under Unorganized Workers Social Security Act, 2008 has not yet been constituted by the State Government of Uttar Pradesh. Consequentially, no schemes under the Act have

been notified and no funds could be released by the Central Government for the unorganized workers. The Committee desire that the State Government may be urged to constitute the Social Security Board immediately. The Committee also desire to be apprised of the efforts made by the Ministry in pursuing the State Government of Uttar Pradesh for constitution of Social Security Board and the response of the State Government thereto within three months of the presentation of the Report.

***New Delhi,
23 August, 2012,
1Bhadrapada, 1934 (Saka)***

***(HEMANAND BISWAL)
CHAIRMAN,
STANDING COMMITTEE ON LABOUR***

ANNEXURE

The pre-revised and revised norms for setting up of ESI hospitals

Sl. No.	Number of beds	Pre- revised Norms	Revised Norms
1.	*50 bedded hospital	25,000 IP family units	-----
2.	100 bedded hospital	1,00,000 IP family units	25,000 IP family units
3.	150 bedded hospital	1,50,000 IP family units	1,00,000 IP family units
4.	200 bedded hospital	2,00,000 IP family units	1,50,000 IP family units
5.	250 bedded hospital	2,50,000 IP family units	2,00,000 IP family units
6.	300 bedded hospital	3,00,000 IP family units	2,50,000 IP family units
7.	350 bedded hospital	-----	3,00,000 IP family units
8.	400 bedded hospital	4,00,000 IP family units	3,50,000 IP family units
9.	500 bedded hospital	5,00,000 IP family units	4,00,000 IP family units
10.	600 bedded hospital	6,00,000 IP family units	5,00,000 IP family units

- No 50 bedded hospitals will be set up by ESI Corporation."

ANNEXURE**Minutes of the Sitting of the Committee**

The Committee sat on 29 June, 2012 from 1430 hrs. to 1630 hrs. in the Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT**Shri Hemanand Biswal – CHAIRMAN****MEMBERS
LOK SABHA**

2. Shri Raj Babbar
3. Shri Narahari Mahato
4. Shri Hari Manjhi
5. Shri Mahendra Kumar Roy

RAJYA SABHA

6. Shri Mohd. Ali Khan
7. Smt. Renubala Pradhan
8. Shri Ranbir Singh Parjapati
9. Shri Rajaram
10. Shri G.N. Ratanpuri

SECRETARIAT

- | | | | |
|----|-----------------------|---|---------------------|
| 1. | Shri Devender Singh | - | Joint Secretary |
| 2. | Shri Ashok Sajwan | - | Additional Director |
| 3. | Smt. Bharti S. Tuteja | - | Deputy Secretary |

WITNESSES**REPRESENTATIVES OF THE MINISTRY OF LABOUR & EMPLOYMENT/**

Sl.No.	Name of the Officer	Designation
1.	Dr. Mrutyunjay Sarangi	Secretary (L&E)
2.	Shri P.K. Padhy	Principal Labour & Employment Adviser
3.	Shri R.C. Mishra	Central Provident Fund Commissioner
4.	Shri P.K. Pujari	Additional Secretary, FA
5.	Dr. C.S. Kedar	Director General, Employees' State Insurance Corporation
6.	Dr. S.R. Chauhan	Medical Commissioner
7.	Shri Anil Swarup	Additional Secretary (DGLW)
8.	Shri Sharda Prasad	Joint Secretary (DGE&T)
9.	Shri K.M. Gupta	Economic Adviser
10.	Shri V. Murali	Deputy Chief Labour Commissioner

2. At the outset, the Chairman welcomed the Members and the representatives of Ministry of Labour and Employment and other officials of the Ministry. After the witnesses introduced themselves, the Committee took evidence of the representatives of Ministry of Labour on the subject 'Welfare of Glass and Bangle workers in Firozabad'. The Chairman also drew the attention of the Ministry towards the lack of basic amenities and the dilapidated condition of ESI dispensary in Firozabad.

3. The Secretary, while appreciating the proactive role of the Committee in taking up the cause of the Glass and Bangle workers of Firozabad, briefed the Committee on the steps taken by the Ministry with regard to the welfare of Glass and Bangle workers under Rashtriya Swasthya Bima Yojana etc. The Secretary assured the Committee that 'the ESIC is actively considering the issue of opening of an ESI hospital in Firozabad after the fresh mapping of the IPs is done in July, 2012 and the threshold limit of 25,000 IPs is met.'

4. The Chairman and the Members raised issues concerning child labour in Firozabad; wide-spread prevalence of respiratory diseases particularly TB amongst the workers of Firozabad; non-inclusion of women workers in the muster rolls; inspection of the factories in Firozabad and benefits available for unorganized bangle workers. The representatives of the Ministry replied to some of the points and concerns raised. The Chairman also directed them to furnish information on points which remained unanswered to the Secretariat within one week.

5. The Chairman, thereafter, thanked the witnesses for appearing before the Committee as well as for furnishing valuable information desired by them.

6. A copy of the verbatim proceedings was kept for record.

The Committee then adjourned.

Minutes of the Sitting of the Committee

The Committee sat on 23 August, 2012 from 1500 hrs. to 1630 hrs. in the Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Hemanand Biswal – CHAIRMAN

MEMBERS LOK SABHA

2. Dr. Virendra Kumar
3. Shri Jayaram Pangi
4. Shri Sanjay Dina Patil
5. Shri Bhausahab Rajaram Wakchaure

RAJYA SABHA

6. Shri Mohd. Ali Khan
7. Shri Aayanur Manjunatha
8. Dr. E.M.Sudarsana Natchiappan
9. Smt. Renubala Pradhan
10. Shri Thaawar Chand Gehlot

SECRETARIAT

- | | | |
|--------------------------|---|---------------------|
| 1. Shri Ashok Sajwan | - | Additional Director |
| 2. Smt. Bharti S. Tuteja | - | Deputy Secretary |

2.	XX	XX	XX
3.	XX	XX	XX
4.	XX	XX	XX
5.	XX	XX	XX
6.	XX	XX	XX

7. Thereafter, the Hon'ble Chairman apprised the Members about the following draft Reports to be considered for adoption:

(i) 'Welfare of Glass and Bangle workers of Firozabad - A Case Study',

(ii) XX XX XX

(iii) XX XX XX

8. The Committee took up the draft Reports one by one for consideration. After some discussions, the Committee adopted all draft Reports without any modification.

9. The Committee then authorized the Chairman to finalise the above draft reports in the light of factual verification from the concerned Ministry and present the Reports to both the Houses of Parliament.

The Committee then adjourned.

XX Do not pertain to this report.