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**STANDING COMMITTEE ON LABOUR
(2011-2012)**

FIFTEENTH LOK SABHA

MINISTRY OF LABOUR AND EMPLOYMENT

**[Action taken by the Government on the
Recommendations/Observations contained in the Twenty-Eighth Report
of the Standing Committee on Labour on the Demands for Grants of the
Ministry of Labour and Employment for the year 2012-13]**

THIRTY- THIRD REPORT



LOK SABHA SECRETARIAT

August, 2012/Bhadrapada, 1934 (Saka)

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Recommendations/Observations contained in the Twenty-Eighth Report
of the Standing Committee on Labour on the Demands for Grants of the
Ministry of Labour and Employment for the year 2012-13]**

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)

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Recommendations contained in the Twenty-Eighth
Report (Fifteenth Lok Sabha)

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. Archana Srivastva | - | Executive Officer |

INTRODUCTION

I, the Chairman of the Standing Committee on Labour having been authorised by the Committee to submit the Report on their behalf, do present this Thirty-third Report on the action taken by the Government on the recommendations contained in the Twenty-Eighth Report of the Standing Committee on Labour (Fifteenth Lok Sabha) on Demands for Grants of the Ministry of Labour and Employment for the year 2012-13.

2. The Twenty-Eighth Report was presented to Lok Sabha and also laid in Rajya Sabha on 3.5.2012. The Ministry of Labour and Employment furnished their replies indicating action taken on the recommendations contained in that Report on 6.8.2012. The Report was considered and adopted by the Standing Committee on Labour at their sitting held on 23.8.2012.

3. An analysis of the action taken by Government on the recommendations contained in the Twenty-Eighth Report of the Standing Committee on Labour (Fifteenth Lok Sabha) is given in Appendix-II.

4. For the facility of reference and convenience recommendations/observations of the Committee have been printed in thick type in the body of the Report.

New Delhi;

23 August, 2012

1 Bhadrapada , 1934 (Saka)

(HEMANAND BISWAL)

CHAIRMAN,

STANDING COMMITTEE ON LABOUR

CHAPTER-I

REPORT

This Report deals with the action taken by the Government on the recommendations/observations contained in the Twenty-Eighth Report (Fifteenth Lok Sabha) on Demands for Grants of the Ministry of Labour and Employment for the year 2012-13.

2. The Twenty-Eighth Report was presented to Lok Sabha and also laid in Rajya Sabha on 03.05.2012. It contained 26 recommendations/ observations. Replies of Government in respect of all the recommendations have been received and categorized as under:-

- | | | |
|----------------|---|------------------------------------|
| (i) | Recommendations/Observations which have been accepted by the Government –
Rec. Para Nos. 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.28, 3.29, 3.45, 3.46, 3.47, 3.48, 3.49, 3.58, 3.60, 3.62, 3.63, 3.69, 3.70, 3.71, 3.72 | Total - 22
(Chapter-II) |
| (ii) | Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply | Total - 0
Chapter-III |
| - NIL - | | |

- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration –

Total-3
Chapter-IV

Rec. Para No. 3.22, 3.44 & 3.59

- (iv) Recommendation/Observation in respect of which replies of the Government are interim in nature -

Total-1
Chapter-V

Rec. Para No. 3.61

3. The Committee desire that action taken replies in respect of recommendations/observations contained in Chapter I and final action taken replies in respect of the recommendation contained in Chapter V for which interim reply has been given by the Government may be furnished to them at the earliest.

Collection of Cess under the Welfare Funds**(Recommendation para No. 3.22)**

4. The Committee were informed that a Working Group was constituted to ascertain and sort out the discrepancies in the figures of Welfare Commissioner Offices and Pay & Accounts Office regarding collection of Cess. The Committee desired to be apprised of the nature of discrepancies and the explanations for the discrepancies alongwith the findings of the Working Group.

5. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

Discrepancies were due to miscalculations in accounting of cess which have been sorted out by Working Group through reconciliation of figures booked in the accounts of Pay & Accounts Offices with those booked by the Offices of Welfare Commissioners. The Working Group also found that Cess collected during 2009-10 and 2010-11 has also not been transferred to the concerned Welfare Funds. After reconciliation, as per the provisions made in the B.E. for inter Accounts transfer of funds for the two years April, 2009 to April, 2012 in respect of the relevant Labour Welfare Funds, the sanctions have already been issued and balance

amount would be credited either to increase provision at R.E. stage in current financial year or in the next financial year.

Year-wise details of cess collected in relevant Welfare Funds from 2009-10 to 2012-13 is given below: -

Details of Cess Collection in various Welfare Funds

Year	Total amount	Amount already transferred	Amount Outstanding
Lime Stone and Dolomite Mines Welfare Fund			
2009-10	23.48	6.19	17.29
2010-11	25.54	Nil	25.54
2011-12	29.58	5.17	24.41
2012-13	0.39	13.05	-12.66
Total	78.99	24.41	54.58
Iron Manganese Chrome Ore Labour Welfare Fund			
2009-10	27.85	10.78	17.09
2010-11	26.32	13.29	13.03
2011-12	23.92	12.00	11.92
2012-13	Nil	13.56	-13.56
Total	78.09	49.63	28.46
Mica Mines Labour Welfare Fund			
2009-10	3.50	3.50	Nil
2010-11	4.32	1.95	2.37
2011-12	6.60	2.00	4.60
2012-13	9.44	2.15	7.29
Total	23.86	9.60	14.26

Cine Welfare Fund			
2009-10	4.84	1.29	3.55
2010-11	Nil	Nil	Nil
2011-12	2.30	1.50	0.80
2012-13	2.23	1.63	0.60
Total	9.37	4.42	4.95

6. The Committee find the reply of the Government vague and incomplete as the reasons for non-transfer of Cess to the concerned Heads have not been furnished as desired by the Committee. Moreover, due to non-transfer of the Cess collected to the concerned Funds, the requisite activities under various welfare funds could not be undertaken. Surprisingly, the figures of Cess collection do not indicate whether the figures are in lacs or crores etc. The Committee deplore the casual attitude of the Government in furnishing replies to them, inspite of the fact that Ministry was cautioned on previous occasions to be more careful in this regard.

Evaluation of Rashtriya Swasthya Bima Yojna

(Recommendation para No. 3.29)

7. The Committee found that only the upbeat suggestions of the findings of the evaluation studies conducted by the Ministry and some of the State Governments were taken up and there was no mention of lacunae/ shortcoming/ deficiency/ weakness etc. The Committee while showing their un-happiness, desired that the shortcomings pointed out in these evaluation reports might be taken up seriously and course corrections made and the Committee apprised.

8. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

The finding of the Evaluation Reports, whether positives or negatives, are considered appropriately for further improvement in the Scheme. In this regard recent findings of the Gujarat evaluation study, which are critical of the scheme are as under:-

- Many reputed hospitals in 10 districts are not empanelled.
- More dissemination of information is needed regarding benefits of Rashtriya Swasthya Bima Yojana, claims processing procedures.
- More awareness is needed to ensure higher utilization levels.

- More hospitals are needed in tribal areas like Kutuch and Dahod.
- Only 55% of respondents were aware of the transportation allowance.

On the basis of these findings, State Nodal Agency (SNA), Gujarat has taken up steps to promote IEC activities for Rashtriya Swasthya Bima Yojana to generate awareness about the Scheme. SNA has also taken steps to engage an independent agency to assist SNA in proper implementation of the Scheme in the State."

9. The Committee find that the Ministry have conducted evaluation study in the State of Gujarat. The Committee feel that since the Scheme is being implemented on all India basis, the Studies should also be conducted at National level especially keeping in view the reported abuse of the Scheme in the States of Chhattisgarh and Bihar. The Committee desire that the Government to take preventive steps and evolve

strong monitoring mechanism for such a vital Scheme intended to cover the workers belonging to the lowest rung of the society.

Vacancies in Directorate General Factory Advice Service & Labour Institutes (DGFASLI)

(Recommendation para No. 3.44)

10. The Committee noted that there were overall 112 vacancies at various levels in the DGFASLI and Inspectorates of Dock Safety. The Ministry conceded that the existing strength, being far from adequate, was adversely affecting the smooth functioning of DGFASLI. The Committee, therefore, recommend that :-

- (i) The existing vacancies be filled up without further delay besides placing a fresh proposal for conducting work study by SIU before the Ministry of Finance clearly drawing attention towards the existing workload of DGFASLI; and
- (ii) All the sanctioned posts of RLI be filled up urgently for its smooth functioning and also a review study be undertaken for future activities planned vis-à-vis the manpower required.

11. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

There are overall 111 vacancies at various levels in the DGFASLI, Mumbai and Inspectorate of Dock Safety (IDS). The abolition of 115 posts as recommended by SIU in its reports was contested by DGFASLI and Ministry of Labour & Employment took up the issue with the Department of Expenditure, Ministry of Finance to undertake the work measurement study of DGFASLI organization afresh. However, the Department of Expenditure insisted on the implementation of the SIU report and suggested that the review study will be conducted by SIU after the report is implemented and the work stabilized in the new set up.

- (i) The Ministry has taken up to fill up the existing vacancies in DGFASLI on priority and several proposals for filling up of vacancies are at advance stage of recruitment in UPSC. The Ministry has also taken up with Department of Expenditure to conduct a review study of DGFASLI Organization at the earliest. Department of Expenditure has included it in their programme of studies subject to availability of manpower.
- (ii) In view of the need of manpower for the newly established Regional Labour Institute at Faridabad, for its smooth functioning, action has been initiated by Ministry to fill up

all the sanctioned posts on urgent basis. Review study of Regional Labour Institute (RLI), Faridabad would be part of the review SIU study for DGASLI."

12. The Committee outright reject the view of the Department of Expenditure, Ministry of Finance with regard to abolition of posts of DGFASLI. The Committee are of the considered view that DGFASLI is suffering from acute staff crunch which has an adverse bearing on its work mandate. The Committee, therefore, desire the Department of Expenditure, Ministry of Finance be again approached alongwith the case study and the recommendation of the Committee in the matter and with the request that they may review their stand.

**Finalisation of Recruitment Rules in Directorate General of
Employment & Training (DGE&T)**

(Recommendation para No. 3.48)

13. The Committee found that the Recruitment Rules (RRs) were pending finalization for a long time and reminders were issued to the concerned department only after the matter was taken up by the Committee. While deploring the delay in finalization of the RRs, the Committee recommended that the matter be pursued vigorously with the DOPT/PMO and the Committee apprised within three months of the presentation of this Report.

20. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

DGE&T is in the process of amendment of Recruitment Rules of Women Training Cadre and Employment Directorate.

1. The Recruitment Rule of Training Directorate has been notified on 06.07.2011
2. The Recruitment Rules of Women Training Cadre:- Due to implementation of 6th Pay Commission, UPSC had requested to obtain approval of DOPT again. Accordingly, the file had been sent to DOPT to get their approval for amendment of Recruitment Rules of Women Training cadre. However, the file had been returned with some query regarding educational

qualification, etc. Since the posts are of technical nature the views have been sought from Women Training Cadre and is under finalization.

3. The Recruitment Rules of Employment Directorate:- The file had been sent to DOPT who raised some queries. To reply those queries the file was referred to Employment Directorate. As some cadres of Employment Directorate are being merged, therefore, it is taking some time in consultation with DOPT and UPSC. However, it is being vigorously pursued.

Status of the Recruitment Rules for Group 'B' & 'C' of various posts in Technical Administration is at Annexure.

14. The Committee find that the finalization of RRs is still pending with the various Departments and in two cases the RRs are under preparation. The Committee desire that efforts for expeditious finalization of RRs are urgently required to be taken with the Departments for expeditious action. They, further, desire that the matter be vigorously pursued with the concerned

Departments and the Committee be apprised of the same.

Shortfall in plan expenditure

(Recommendation para No. 3.58)

15. The Committee noted that there was considerable shortfall in plan expenditure on schemes of Mine Accident Analysis and Modernisation of Information Database (MAMID) and these schemes were continuing from the 10th Plan after merger with other schemes. While expressing their apprehension, the Committee recommended that concerted efforts be made by the DGMS to spend the grant so as to achieve the objectives of both the schemes and the Committee apprised.

16. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

Details of the fund allocation and expenditure upto 31.03.2012 of plan scheme SOCFOD & MAMID are given below:

(Rupees in lakhs)

Name of scheme	Budget Estimates 2011-12					Final Estimates 2011-12	Actual Expd. upto 19.3.2012	Actual Expd. upto 31.3.2012
	General	NE	SCSP	TSP	Total			
SOCFOD	116.00	170.00	275.00	139.00	700.00	491.54	384.00	440.29

MAMID	328.00	50.00	81.00	41.00	500.00	333.60	182.48	267.84
Total	444.00	220.00	356.00	180.00	1200.00	825.14	566.48	708.13

The percentage of expenditure at the end of March, 2012 increased from a level of 68.65% on 19.3.2012 to 85.82% on 31.03.2012 of Final Estimate (F.E.).

Primary reasons for shortfall in expenditure were due to:

1. Allocation of funds especially under salary sub-head in SCSP & TSP heads was to the tune of Rs.2.55 crore i.e. 21.25% of total allocation. DGMS being a law enforcement agency does not have any welfare schemes for SC & ST as a result of which Rs.2.55 crore had to be surrendered.
2. An amount of Rs.2.20 crore i.e. 18.33% of the total allocation, was provided under North East Region. DGMS is having only one regional office at Guwahati in North East, out of the total 29 Regional Offices, where the scope of expenditure is very limited.
3. Systematic planning and monitoring is being done from the beginning to ensure proper utilization of funds during the financial year 2012-13."

17. The Committee find that there was considerable shortfall in expenditure in both the Schemes of Strengthening of Core functions of DGMS (SOCFOD) and Mine Accident Analysis and Modernisation of Information Database (MAMID) upto 19.03.2012. Now as per the final estimate, the expenditure jumped from 68.65% to 85.82% that too within a span of merely 12 days. The Committee are unable to comprehend as to how the DGMS could spend 18% of the allocated funds within 12 days while they were unable to spend the allocated funds during the whole of the financial year. The Committee desire a detailed explanation in the matter.

Vacancy position in Directorate General of Mines Safety
(DGMS)

(Recommendation para No. 3.59)

18. The Committee were anguished to find recurrent discrepancies in the statistics submitted to them. The Committee also found that a work study Committee was constituted in the year 2007 of SIU which had recommended for abolition of 115 posts belonging to group C once the persons occupying these posts superannuate. At the same time the work study Committee had also recommended for creation of 196 new posts. The Committee while finding it quite perplexing, desired to know the details of the categories in which those posts had been created and the reasons for abolition of 115 posts. The Committee also desired that the vacancies be filled up without any further delay and the measures initiated in this behalf placed before them.

19. In their action taken reply furnished to the Committee, the Ministry of Labour & Employment stated as follows:

There were 642 persons against a total of 732 posts of Group A, B & C as on 22.03.2012.

The Number of posts created after SIU studies are as follows:-

Post created

Group A	Group B	Group C
112	55	196

The abolition of posts were based on the sample studies conducted by Staff Inspection Unit of the Department of Expenditure, Ministry of Finance. This report was accepted by the Work Study Committee constituted to assess the strength of DGMS to implement the mandate given to it under the Mines Act, 1952.

The actions are being taken to fill up the vacant posts expeditiously. It further submitted that the recommendation in respect of 45 posts of Deputy Director (Mining), (Electrical), (Mechanical) and OH discipline were received from UPSC. Out of this requisite pre-appointment formalities have been completed in respect of 26 candidates to whom offer have been issued. Out of them, 13 have already joined. The formalities in respect of remaining candidates are under way.

20. The Committee find the reply of the Government far from satisfactory. The Committee had sought reasons for abolition of 115 posts as suggested by SIU and accepted by the Work Study Committee and the rationale for creation of 196 posts in Group 'C'. Moreover, there were discrepancies in the figures provided for sanctioned and actuals. The Committee also find that the recruitment process has been initiated in respect of only one category of post and there is no mention of the remaining categories. The Committee therefore, desire that a clear position of all the vacancies alongwith the reasons thereof be furnished to the Committee within one month from the presentation of this Report.

CHAPTER-II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

(Recommendation para No. 3.15)

The Committee note that there are vacancies of Presiding Officers in Central Government Industrial Tribunals-cum-Labour Courts. As per the submission of the Ministry these Presiding Officers are generally appointed for a period of 3 years and the process of appointment is initiated eight months in advance from the date the Presiding Officer is to vacate the office. The Committee find the period of eight months too less to complete the lengthy process of formalities for preparation of panel. The Committee also cannot ignore the fact that it is not explicit that a candidate so selected would join the post. In such a situation, it is imperative that a reserve panel should also be prepared so that in the eventuality of a selected person not joining, the Ministry at least have the second option.

Reply of the Government

The process of appointment of Presiding Officers in the Central Government Industrial Tribunal-cum-Labour Courts is initiated eight months in advance of the date of arising of a vacancy. As per guidelines of the Appointments Committee of the cabinet (ACC), Department of Personnel and Training, the Ministry sends the panel of short listed candidates for approval of ACC at least two months in advance to the date of arising of a vacancy of Presiding Officer after completing all formalities. However, to avoid delay in the completion of the process due to administrative exigencies, the period of eight months is proposed to be enhanced to ten months as recommended by the Committee.

In so far as preparation of panel is concerned, it is submitted that the Search & Selection Committee Chaired by Secretary (L&E) recommends a panel of three candidates for appointment of Presiding Officer in respect of one vacant post. Thereafter the panel as recommended by the Committee is approved by Hon'ble Minister for Labour & Employment and Department of Personnel and Training is requested to seek the approval of ACC for the whole panel so that if one candidate fails to join, the offer of appointment can be issued to the next incumbent. It is only after exhausting the panel that the whole process is started afresh.

(Recommendation para No. 3.16)

The Committee note that from 2009 onwards the Skill Development Initiative Scheme received overwhelming response and its achievements were creditable. However, the Scheme experienced a set-back as due to paucity of funds the operation of the scheme was held up for about seven months. The Committee note that the Ministry grudgingly admitted that the implementation of the scheme suffered for want of funds. The Committee, therefore, impress upon the Ministry to conduct assessment study so that the necessary corrective measures could be taken up before hand for effective implementation of such a vital Scheme which is otherwise doing well.

Reply of the Government

Corrective measures have already been taken and the scheme was re-started from November, 2010. Assigned target has been achieved. Evaluation of the scheme has already been assigned to National productivity Council, New Delhi.

(Recommendation para No. 3.17)

The Committee note that the Hon'ble Prime Minister had announced for setting up of 1500 more ITIs and 5000 Skill Development Centres under the Public Private Partnership (PPP) in the 11th Plan with a view to creating a world-class skilled labour force. The Committee also note that the PPP architecture has not been finalized though the matter has been discussed with the Planning Commission. The Committee recommends that the matter be vigorously pursued with the Planning Commission for its early finalization so that it could yield some tangible results at least during the 12th Plan which has already started.

Reply of the Government

The matter is being vigorously pursued with the Planning Commission. After multiple rounds of discussion, a PPP architecture has been agreed upon. Detailed Project Report (DPR) and EFC note are being revised accordingly. As soon as it is finalized, process of holding EFC and CCEA meetings would take place.

(Recommendation para No. 3.18)

The Committee find that some blocks in most of the States have been selected by their Panchayati Raj Departments, for development of ITI Centres for which buildings and other infrastructure, including machinery, have been completed but these are yet to start. The Committee also find that the Ministry are facing crunch of funds for development of infrastructure for these ITI Centres. They also find that there is no synergy between the Union Ministry of Labour & Employment and the Ministry of Panchayati Raj and between Union Ministry of Labour and Employment and the

Panchayati Raj Departments of State Governments. The Committee, therefore, desire that the Ministry may consider utilizing the existing infrastructure already developed by the State Governments after having detailed deliberations with the Ministry of Panchayati Raj and the State Governments. The Committee should like to be apprised of the action taken in this regard in due course.

Reply of the Government

The matter has been taken up by DGE&T with Ministry of Panchayati Raj. Possibilities are being explored to set up Skill Development Centres (SDCs) to impart training accordingly in skills required locally and cater to the needs of an agglomeration of 10–12 villages. Locally available infrastructure such as Panchayat building, etc. would be utilized for the purpose.

(Recommendation para No. 3.19)

The Committee note that there was nil expenditure on training of 8000 youth from J&K and setting up of new ITIs in North Eastern States in the year 2011-12. The Ministry informed that due to disturbances during Amarnath Yatra, the Skill Development Scheme was started late in J&K. However, the youth went out to different parts of the country and received about Rs.15,000/- per month after three to four months of training. The Committee desire that the matter regarding utilization of funds meant for training of 8000 youth of J&K may be taken up with the State Government at the earliest so that the targets under the scheme are achieved during the current financial year. The Committee also desire that a sound monitoring mechanism be evolved to get the feedback from the trainees and at the same time it should also be ensured that the trainees from J&K and the North East are extended every conceivable assistance and cooperation.

Reply of the Government

Out of the target, 75% were to be trained by various Vocational Training Providers (VTPs) registered under SDI Scheme throughout the country and 25% within the State by registered VTPs. 9,500 persons (4000 inside in J&K & 5500 outside the State) have already been trained so far. Rs.10.20 crore were released by Government of India out of which Rs.606.76 lakh have been utilized so far. And over Rs.6.11 crore are required to train remaining 6500 persons by 31.03.2013. It has been informed by the Director of Technical Education, Government of Jammu & Kashmir that they will develop a suitable mechanism to get the feedback from the trainees. The extension of the Scheme upto 31.03.2013 has already been approved.

(Recommendation para No. 3.20)

The Committee find that the Ministry are formulating a new scheme for setting up a large number of ITIs including hostels for trainees. The Committee appreciates the proposal for providing hostel facilities to the trainees who have otherwise have to travel long distances for enrolment in these ITIs and desire that the Scheme be expedited so that it could start in the current financial year itself.

Reply of the Government

There is a provision for establishing ITIs with hostel facilities under the Scheme “Kaushal Vikas Yojana (KVY)”. The status of the scheme has been explained at Para Number 3.17.

Further, under the scheme on “Skill Development for 34 Districts affected by LWE” there is a provision for establishment of

ITIs with hostels. First installment of funds has been released to the States for establishment of such ITIs with hostel facilities.

Under Enhancement of Skill Development Infrastructure for North East Region, hostel facilities are being provided, wherever required.

In addition, State Governments have also been requested to provide hostel facilities in existing ITIs including those for women as per need.

(Recommendation para No. 3.21)

The Committee are unable to reconcile the figures provided to them on two occasions in respect of 'Rehabilitation of Bonded Labour Scheme'. The Committee were informed that the BE for the year 2011-12 were Rs.100.00 lakh while RE were Rs.600.00 lakh and the actual expenditure upto 15.03.2012 was Rs.385.30 lakh. The figures provided subsequently reveal that Rs.590.00 lakh was spent upto 15.03.2012 on the Scheme. The Committee in their earlier Reports had cautioned the Government to be careful and diligent enough while furnishing information to Parliament but deplorably, serious discrepancies continue to recur. The Committee, therefore, desire that the figures of actual expenditure on the Scheme be provided to them and suitable but stringent supervising mechanism put in place so that correct information and statistics are submitted to Parliament. The internal audit also needs to be revamped so that such discrepancies do not recur.

Reply of the Government

Under the Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour, rehabilitation assistance of Rs.20,000/- per freed bonded labour is provided, which is shared by the Central and State Governments on 50:50 basis. In the case of the North

Eastern States, 100% central assistance is provided if they express their inability to provide their share.

Apart from this, Rs.2.00 lakh per sensitive district can be provided to concerned State Government to conduct survey for identification of bonded labour once in three years, Rs.10.00 lakh can be sanctioned to every State Government to undertake awareness generation activities and Rs.5.00 lakh per year to study impact of existing land debt related issues affecting bonded labour and the impact of poverty alleviation programmes and financial assistance provided by various Government sources.

It is submitted that BE for the year 2011-12 was Rs.100 lakh (including Rs.10 lakh provision of North-Eastern Region) which was subsequently enhanced to Rs.600 lakh by re-appropriation. Rs.590 lakh was spent upto 31.03.2012 which was inadvertently shown to have been spent upto 15.03.2012. The error is regretted. The observations of the Committee have been noted for future compliance.

(Recommendation para No. 3.28)

The Committee note that as per the survey of the Planning Commission 2002, there were more than five crore estimated number of BPL families. The Committee also note that the present figures are based on the survey conducted during the year 2002 (i.e. 10 years back) and the BPL parameters are under revision/consideration. The Committee are unable to accept the sector-wise figures of workers furnished by the Ministry (Table 5 refers) as apparently under estimated and moreover the source of the statistics has not been indicated. Since, RSBY has been extended to five more categories of workers in un-organized sector, obviously there would be considerable increase in the number of eligible workers once all the 35 States/UTs are covered. Taking note of the tardy process of issuance of smart cards, the Committee

recommend that the process be accelerated for providing full coverage to each worker in the listed categories.

The Committee were informed that for getting the smart card, the workers are required to furnish proof of residence. The Committee note that since most of the workers under these categories are migrant workers, who either reside in make-shift tents, Government shelters or on side-walks, they are unable to get the smart card. Since the Government are keen to provide health insurance to the workers in un-organised sector, the Committee recommend that some alternative be explored so that these large sections of workers could also get smart cards.

Reply of the Government

The consolidated views of the Committee have been noted. The Ministry is making strenuous efforts to cover all eligible families under the approved categories of Rashtriya Swasthya Bima Yojana. However, the registration of the workers has to be done by the concerned State Nodal Agencies as decided by the State Governments.

The enrolment under Rashtriya Swasthya Bima Yojana is done as per the data provided by the State Government in the prescribed RSBY template. Field Key Officer (FKO) who is an official of the State Government remains present at the enrolment station to identify the person whose name is there in the data. There is no requirement of proof of residence for enrollment under Rashtriya Swasthya Bima Yojana.

(Recommendation para No. 3.29)

The Committee are informed that periodical evaluation of RSBY has been done by independent agencies. The Ministry of Labour & Employment had conducted evaluation study in Gujarat and Haryana through independent agencies. Similarly, the State Governments of Kerala, Himachal Pradesh, Haryana have also

conducted studies through independent agencies. The Committee find that only the upbeat suggestions of the findings were taken up and there is no mention of lacunae / shortcoming / deficiency / weakness etc. The Committee are however, dismayed that the Government's reply is studiously silent about the action taken to address or remedy the lacunae/ shortcoming/ deficiency/weakness pointed out by the evaluation reports. The Committee, therefore, desire that the shortcomings pointed out in these evaluation reports may be taken up seriously and course corrections made and the Committee apprised.

Reply of the Government

The finding of the Evaluation Reports, whether positives or negatives, are considered appropriately for further improvement in the Scheme. In this regard recent findings of the Gujarat evaluation study, which are critical of the scheme are as under:-

- Many reputed hospitals in 10 districts are not empanelled.
- More dissemination of information is needed regarding benefits of Rashtriya Swasthya Bima Yojana, claims processing procedures.
- More awareness is needed to ensure higher utilization levels.
- More hospitals are needed in tribal areas like Kutuch and Dahod.
- Only 55% of respondents were aware of the transportation allowance.

On the basis of these findings, State Nodal Agency (SNA), Gujarat has taken up steps to promote IEC activities for Rashtriya Swasthya Bima Yojana to generate awareness about the Scheme. SNA has also taken steps to engage an independent agency to assist SNA in proper implementation of the Scheme in the State.

(Recommendation para No. 3.45)

The Committee find that the work measurement study conducted by the SIU is primarily based on the conventional records and semi-structured interviews with the officers and staff of the organization so inspected. The Committee apprehends that the methodology adopted by SIU perhaps overlooks the practical difficulties faced by the present incumbents with the increased work-load and work-force. SIU is dependent on the past records which contain lesser work-load, lesser responsibilities and less workforce. The Committee opines that there is a need for re-visiting the methodology of SIU so that realistic study could be made based on prevailing requirement to handle the additional burden. They, therefore, desire that before the start of the study by SIU, the Ministry of Labour and Employment need to document and highlight their requirement for additional work-force for effective implementation of labour laws.

Reply of the Government

The work measurement study conducted by the SIU was primarily based on the conventional records and semi-structured interviews with the officers and staff of DGFASLI. DGFASLI would make all efforts to highlight their requirements for additional work-force for effective implementation of Labour Laws at the time of SIU study. The Ministry has also felt that the methodology which had been adopted by the SIU was not appropriate to address the requirement of an organization like DGFASLI. Hence Ministry has all along been emphasizing that whilst assessing the strength of the DGFASLI an institutional development approach with futuristic perspective needs to be taken rather than adopting a traditional approach of a work study for normal office organization.

(Recommendation para No. 3.46)

The Committee note that there are around 30 posts lying vacant in DGE&T way back from the year 1990 in various categories of Group B&C and the responsibility for filling up of these vacancies lies with the DGE&T itself. The Committee in their previous reports had advised the Ministry to fill up these posts at the earliest possible as various offices to whom these posts belong to were suffering due to staff crunch. The Committee deprecate that instead of taking concrete steps for filling up of these vacancies, the Government have merely shifted the responsibility either on SSC/ UPSC and DOPT. The Committee also find that filling up of promotional posts, holding of DPC etc. has also not been done for 2-3 years. The Committee wish to remind the Ministry that not holding of DPC when the posts are lying vacant, amounts to denial of legitimate rights of the employees as pronounced in various judgments of higher Courts. The Committee, therefore, recommends that the vacancies of Direct Recruitment (DR) quota be filled up through Employment Exchanges as a stop-gap arrangement till the UPSC forwards the panel for regular appointment.

Reply of the Government

Presently, there is no vacancy which is lying vacant for long. As per Recruitment Rules: -

- (a) the post of Training Officers is required to be filled 50% by direct recruitment,
- (b) 50% by promotion failing which by deputation failing both by direct recruitment.

The vacant posts of Training Officers have been filled as and when posts are fallen vacant by holding DPCs from time to time and eligible / available officials in feeder cadre were promoted against the vacant posts. The requisition of Direct Recruitment posts (50%) are sent to UPSC as well, to take further action to fill up the said vacancies.

(Recommendation para No. 3.47)

The Committee are amazed to note the mutually contradictory statements of the Ministry that (i) the UPSC takes minimum two years to forward names as the recruitment process is lengthy and takes considerable time and (ii) that the vacancies not filled in a year are deemed to be abolished after one year. In the given scenario all the vacancies would have been abolished by now. Mindful of the significant role and functions of the Ministry of Labour and Employment and also having regard to the fact that the staff crunch will not only affect the working but also hamper the smooth implementation of the schemes specially formulated for upliftment and welfare of the labour class, the Committee recommend that immediate and essential steps be taken up to fill up all the vacancies without further delay.

Reply of the Government

It is a fact that the direct recruitment process takes time due to advertisements of vacancies, written test, interviews, medical examination, verification of character and antecedents, delay in relieving by previous employer, revival of posts, etc. The vacancy not filled within one year goes under economy ban being the temporary nature of post. When the panel is received, the post is revived with the consultation of Ministry of Finance through Internal Finance Division and the same is filled up. It is stated that concrete efforts are being made to fill up all the vacant posts.

(Recommendation para No. 3.48)

The Committee find that the Recruitment Rules (RRs) were pending finalization for a long time and reminders were issued to the concerned department only after the matter was taken up by the Committee. While deploring the delay in finalization of the RRs, the Committee recommends that the matter be pursued vigorously

with the DOPT/PMO and the Committee apprised within three months of the presentation of this Report.

Reply of the Government

DGE&T is in the process of amendment of Recruitment Rules of Women Training Cadre and Employment Directorate.

The Recruitment Rule of Training Directorate has been notified on 06.07.2011

The Recruitment Rules of Women Training Cadre:- Due to implementation of 6th Pay Commission, UPSC had requested to obtain approval of DOPT again. Accordingly, the file had been sent to DOPT to get their approval for amendment of Recruitment Rules of Women Training cadre. However, the file had been returned with some query regarding educational qualification, etc. Since the posts are of technical nature the views have been sought from Women Training Cadre and is under finalization.

The Recruitment Rules of Employment Directorate:- The file had been sent to DOPT who raised some queries. To reply those queries the file was referred to Employment Directorate. As some cadres of Employment Directorate are being merged, therefore, it is taking some time in consultation with DOPT and UPSC. However, it is being vigorously pursued.

Status of the Recruitment Rules for Group 'B' & 'C' of various posts in Technical Administration is as under:-

Information regarding Recruitment Rules (RRs) of various posts.

Sl. No.	Subject	Status
1.	Revision of RR for Group 'C' Technical Post.	Published in Gazette notification.
2.	Revision of RR for	Published in Gazette

	Group 'C' Non-Technical Post.	notification.
3.	Amendment / Revision of RR for the post of Maintenance Electrician / V.I / JTA / Store Keeper/ Maintenance Electronics	Proposal is pending with UPSC for their approval on 16.07.2012.
4.	Amendment/Revision of RR for the post of Training Officer	Proposal is re-submitted to UPSC for their approval on 23.05.2012
5.	Amendment / Revision of RR for the post of Multi Tasking Staff (erstwhile Group 'D' Posts.)	Proposal is pending with Department of Official Language.
6.	Amendment of RR to the post of Junior Hindi Translator	Proposal is pending with DOPT RR (division) for their approval.
7.	Amendment of RR to the post of Senior Hindi Translator	Proposal is pending with DOPT RR (division) for their approval.

8.	Amendment of RR to the post of Driver.	Proposal is pending with Ministry of Law & Justice for their approval.
9.	Framing/Amendment of RR to the post of Office Superintendent/ Hostel Warden/ Assistant of Group 'B' Non-Gazetted.	Under preparation.
10.	Framing/Amendment of RR to the post of Stenographer Gr.-II	Proposal is pending with Ministry of Law & Justice for their approval.
11.	Framing/Amendment of RR to the post of Stenographer Gr.-I	Proposal online submitted to DOPT for their approval.
12.	Framing/Amendment of RR to the post of Draughtsman.	Under preparation.
13.	Framing/Amendment of RR to the post of Departmental Canteens.	File is pending with re-submitted to Department of Official Language.

(Recommendation para No. 3.49)

The Committee note that an evaluation study of the work implemented by DGFASLI was conducted by IIT Roorkee during 2008. As per their recommendation DGFASLI was to be bifurcated into two wings, namely, Administration and Academic & Research. However, the decision is still pending with the Ministry. The Committee opines that for smooth functioning of the organization it

is imperative to have two separate wings of DGFASLI. The Committee also feel that if the bifurcation is done before the review study of the organization by SIU, it would help justify their demand for additional staff. Hence, the Committee desire that the decision of bifurcation be taken up without further delay.

Reply of the Government

The technical manpower of the DGFASLI organization carries out the research, training and consultancy work pertaining to Factories Act (1948), Dock Workers (Safety, Health and Welfare) Act, 1986.

In order to enhance the effectiveness of the organization the process of combining the various technical divisions manned by engineers and non-engineers has been taken up. Accordingly, the process of amending the Recruitment Rules is underway which would enhance the efficiency of the organization through improved manpower situation.

(Recommendation para No. 3.58)

The Committee note that the expenditure on the plan scheme of Mine Accident Analysis and Modernisation of Information Database (MAMID) upto 19.3.2012 was Rs.182.48 lakh against the budget estimate of Rs.500 lakh. Similarly, the actual expenditure on the plan scheme of SOCFOD was Rs.384 lakh against the budget allocation of Rs.700 lakh. The Committee find that these schemes are continuing from the 10th Plan after merger with other schemes. The reasons for not spending the funds allocated to DGMS for both the schemes need to be explained to the satisfaction of the Committee. The Committee are quite apprehensive about the fruition of these schemes seeing the pace of expenditure on these schemes. They, therefore, recommend that concerted efforts be

made by the DGMS to spend the grant so as to achieve the objectives of both the schemes and the Committee apprised.

Reply of the Government

Details of the fund allocation and expenditure upto 31.03.2012 of plan scheme SOCFOD & MAMID are given below:

(Rupees in lakhs)

Name of scheme	Budget Estimates 2011-12					Final Estimates 2011-12	Actual Expd. upto 19.3.2012	Actual Expd. upto 31.3.2012
	General	NE	SCSP	TSP	Total			
SOCFOD	116.00	170.00	275.00	139.00	700.00	491.54	384.00	440.29
MAMID	328.00	50.00	81.00	41.00	500.00	333.60	182.48	267.84
Total	444.00	220.00	356.00	180.00	1200.00	825.14	566.48	708.13

The percentage of expenditure at the end of March, 2012 increased from a level of 68.65% on 19.3.2012 to 85.82% on 31.03.2012 of Final Estimate (F.E.).

Primary reasons for shortfall in expenditure were due to:

Allocation of funds especially under salary sub-head in SCSP & TSP heads was to the tune of Rs.2.55 crore i.e. 21.25% of total allocation. DGMS being a law enforcement agency does not have any welfare schemes for SC & ST as a result of which Rs.2.55 crore had to be surrendered.

An amount of Rs.2.20 crore i.e. 18.33% of the total allocation, was provided under North East Region. DGMS is having only one regional office at Guwahati in North East, out of the total 29 Regional Offices, where the scope of expenditure is very limited.

Systematic planning and monitoring is being done from the beginning to ensure proper utilization of funds during the financial year 2012-13.

(Recommendation para No. 3.60)

As per the existing Employees' State Insurance Act, 1948, the mine workers are out of the purview of the ESI Act. The Committee are of the view that the mining activities are mostly in the tribal dominated and inaccessible parts of the country, particularly in Odisha and the basic medical facilities do not reach them. To avail such facilities, either they have to travel over long distances and arduous terrains or they avoid going that far. The Committee, therefore, desire that a feasibility study of opening of ESI Hospital/ dispensary in the mine workers concentrated areas be carried out and if need be necessary amendments made in the ESI Act.

Reply of the Government

As per the provision of Section-2(12) of the Employees' State Insurance Act, 1948, Mines subject to the operation of the Mines Act, 1952 are not covered under the Act. At present, there is no proposal under consideration to extend coverage under the Employees' State Insurance Act, 1948 to Mine Workers.

ESIC is being asked to explore the feasibility of making necessary amendments in the Employees' State Insurance Act, 1948 to extend the benefits available under the Act to the Mine Workers and submit a Report to the Ministry.

(Recommendation para No. 3.62)

The Committee feel that administration of ESIC run hospitals needs further improvement specially departments relating to medical equipments and medical stores. The Committee desire that inspections at regular intervals should be conducted at these hospitals to ensure that all life saving machines and equipments are well maintained and the necessary medicines are supplied to the patients and that prescribed procedure is strictly followed for segregation and disposal of medicines which have outlived their prescribed shelf-life.

Reply of the Government

To ensure proper maintenance of life saving machines and equipments and supply of necessary medicines to patient including monitoring of expiry of drugs following actions have been taken: -

1. The equipment maintenance policy has been prepared and circulated to all ESIC hospitals.
2. Comprehensive Maintenance Contract (CMC) is a part of purchase of new equipments.
3. To ensure regular supply of medicines to patients ESIC is forming rate contract for Allopathic and Ayurvedic drugs and the same is circulated to all ESI institutions for procurement of drugs. For monitoring expiry of drugs, detailed guidelines have been issued by ESIC. Further instructions have been issued to all State Directors/ Medical Superintendent ESI/ESIC hospitals for following the procedure for segregation and disposal of expired drugs.
4. All Senior Medical Commissioners / State Medical Commissioners have been asked to visit and do inspection of medical stores in dispensaries and hospitals on regular basis with special emphasis on monitoring of expiry of drugs.

5. Nodal Officer appointed by Ministry of Labour & Employment have been visiting the ESIC Hospitals regularly to see and report any shortcoming found there.

(Recommendation para No. 3.63)

The Committee note that despite the assurance given by the ESIC regarding furnishing of a feasibility report for opening an ESIC Hospital in Firozabad, Uttar Pradesh, neither any feasibility report nor any concrete action has been taken by the ESIC for opening of an ESI Hospital there. The Committee feels that keeping in view a large number of bangle and glass industry workers there, who have no access to any proper medical facilities, there is an urgent demand for opening of an ESI Hospital there. The Committee, therefore, desire that immediate steps be taken for fresh IP mapping that too in a time bound manner and feasibility report submitted to the Committee within two months. While conducting such an IP mapping it must be ensured that there is no underreporting regarding the work-force employed by any establishment.

Reply of the Government

An intensive survey was undertaken during 01.05.2012 to 18.05.2012 to cover uncovered, coverable employees in Firozabad area. The Survey team detected total 3873 employees who were coverable, but not covered in 181 units. However, by adding above additional covered employees, total strength of Insured Persons at Firozabad comes to 19493. As per policy of the ESIC in order to open separate ESI Hospital for an area, minimum 25000 numbers of Insured Persons is necessary. As soon as the total number of Insured Persons reaches beyond 25000, necessary action will be initiated to set up an ESI Hospital. However, in order to improve ESI medical facilities in the area, following actions have been taken:-

1. Existing ESI dispensary has been shifted to a new building.

2. Proposal for Model Dispensary & Diagnostic Centre has been submitted to the State Government to issue No Objection Certificate (N.O.C.) and same will be established on receipt of N.O.C. from the State Government.

(Recommendation para No. 3.69)

The Committee find that there are a number of posts of Dy. CLCs, RLCs and LEOs lying vacant besides the vacancies at Headquarter in Group B and C posts. The Committee fully endorses the view that after amendment to the Industrial Disputes Act, the work of CIRM has increased manifold. During their study visits to various places across the country to oversee the implementation of various Labour Laws by the Public Sector Undertakings in relation to the Contract and Casual Workers employed by the Contractors, the Committee found that due to acute shortage of staff, the Regional Labour Commissioners are badly hamstrung to carry out regular inspections of various establishments under them. The Committee are of the considered view that for smooth functioning of the CIRM and effective implementation of the 44 Acts intended for welfare of labour, availability of adequate human resource at the disposal of RLC is a *sine qua non*. Though the SIU have conducted studies of different offices / organizations throughout the country, but in the absence of any recruitment, such studies become in fructuous. The Committee, therefore, desires that the UPSC/SSC be requested to expedite the matter and forward the panels urgently. The Committee also suggests that necessary relaxation may be sought from the competent authorities, if so warranted, to fill up the vacancies through Employment Exchanges as a stop-gap arrangement until the regular appointments are made.

Reply of the Government

Action for filling up of the posts of Deputy Chief Labour Commissioners (Central), Regional Labour Commissioners (Central)

by way of Promotion and Direct recruitment has already been taken up. The requisition for filling up of 28 posts of Labour Enforcement Officers (Central) has been sent to UPSC on 26.04.2012 and matter is being pursued with the UPSC to fill up the vacancies.

In respect of Group B and C posts the posts are to be filled by DOP&T and requisition has already been sent to them. The matter is being pursued at Secretary (L&E)'s level.

(Recommendation para No. 3.70)

The Committee is perturbed that there is no set procedure for keeping the data of the number of establishments covered vis-à-vis the work-force. It is all the more disconcerting that the data was called from the respective RLCs on being asked by the Committee. The Committee hardly wishes to emphasize the significance of collection and compilation of such vital statistics by the office of CLC notwithstanding the shortage of staff at the level of LEOs and ALCs which need to be made good expeditiously. They, therefore, desire that collection/ processing of the data about the covered establishments vis-à-vis the work-force be maintained at the CLC(C) Office with a cut off date of calendar year so that the interests and welfare of workers is not allowed to suffer for want of desired inspections.

Reply of the Government

The data about the covered establishments vis-à-vis the work-force is being maintained at the CLC(C) Office. The same is available upto December, 2011.

(Recommendation para No. 3.71)

The Committee is dismayed to note that the Government does not have the data on unemployment. Further, no empirical study has been conducted as yet about the impact of economic growth on expansion of employment opportunity. They, therefore, recommend that figures of Sectoral unemployment as on 31.12.2011 be furnished to them as also the findings of the study of economic growth and its impact on employment opportunities.

Reply of the Government

As per quinquennial labour force survey conducted during 2009-10 by National Sample Survey Office, unemployed persons of all ages based on usual status basis was estimated at 9.50 million, of which 2.82 million were females. Report on Employment and Unemployment Survey (2011-12) released by Labour Bureau, Ministry of Labour and Employment, revealed that unemployment rate among persons of 15 years and above was estimated to be 3.3 per cent during 2010-11, resulting into around 15 million as against around 9 million during 2009-10 as per 66th round of survey conducted by National Sample Survey Office. Fourteen quarterly surveys in quick succession on the effect of global economic meltdown on employment in India have been conducted by Labour Bureau attached to the Ministry of Labour and Employment. The survey covered selected sectors of the economy such as textiles including apparels, leather, metals, automobiles, gems and jewellery, transport, IT / BPO and Handloom / Powerloom. According to these surveys, overall employment has shown an increase of over 26.65 lakh during the period October, 2008 to March, 2012. These surveys cover only selected sectors and therefore, actual employment in different sectors of economy will be much more.

(Recommendation para No. 3.72)

Taking note of the assurance of the representatives of the Ministry that they would never be complacent and continue to protect the interests of the labour force and create conducive work environment for them, the Committee would like detailed governmental review on the working of the 44 Labour Acts and the concrete corrective measures taken to protect the interests of the labour in the light of discrepancies and shortcomings detected.

Reply of the Government

Review and updation of labour laws is a continuous process and amendments are made in labour laws from time to time in order to, inter-alia, promote employment generation, welfare of labour force, etc. Recent amendments carried out include those under the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965, the Apprentices Act, 1961, the Payment of Gratuity Act, 1972, the Employees' State Insurance Act, 1948, the Industrial Disputes Act, 1947, the Plantation Labour Act, 1951 the Maternity Benefit Act, 1961 and the Workmen's Compensation Act, 1923.

The Government had introduced the Labour Laws (Exemption from Furnishing Returns and Maintaining of Registers by Certain Establishments) Amendment Bill, 2011, the Mines (Amendment) Bill, 2011 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Bill, 2011 in the Rajya Sabha which were referred to Parliamentary Standing Committee on Labour for examination. The observations / recommendations of the Committee as contained in the report are under examination.

CHAPTER-III

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

NIL

CHAPTER-IV**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION****(Recommendation para No. 3.22)**

The Committee note that there was less collection of cess under the Welfare Funds meant for (i) Mica Mines Labour Welfare Fund; (ii) Iron, Manganese Chrome Ore Fund; (iii) Limestone and Dolomite Mines Fund and (iv) Cine Workers Welfare Fund, due to discrepancies in the figures of Welfare Commissioner Offices and Pay & Accounts Office. The Committee were further informed that a Working Group was constituted to ascertain and sort out the discrepancies. The Committee would like to be apprised about the nature of discrepancies and the explanations for the discrepancies alongwith the findings of the Working Group.

Reply of the Government

Discrepancies were due to miscalculations in accounting of cess which have been sorted out by Working Group through reconciliation of figures booked in the accounts of Pay & Accounts Offices with those booked by the Offices of Welfare Commissioners. The Working Group also found that Cess collected during 2009-10 and 2010-11 has also not been transferred to the concern Welfare Funds. After reconciliation, as per the provisions made in the B.E. for inter Accounts transfer of funds for the two years April, 2009 to April, 2012 in respect of the relevant Labour Welfare Funds, the sanctions have already been issued and balance amount would be credited either to increase provision at R.E. stage in current financial year or in the next financial year. Year-wise details of

cess collected in relevant Welfare Funds from 2009-10 to 2012-13 is given below: -

Details of Cess Collection in various Welfare Funds

Year	Total amount	Amount already transferred	Amount Outstanding
Lime Stone and Dolomite Mines Welfare Fund			
2009-10	23.48	6.19	17.29
2010-11	25.54	Nil	25.54
2011-12	29.58	5.17	24.41
2012-13	0.39	13.05	-12.66
Total	78.99	24.41	54.58
Iron Manganese Chrome Ore Labour Welfare Fund			
2009-10	27.85	10.78	17.09
2010-11	26.32	13.29	13.03
2011-12	23.92	12.00	11.92
2012-13	Nil	13.56	-13.56
Total	78.09	49.63	28.46
Mica Mines Labour Welfare Fund			
2009-10	3.50	3.50	Nil
2010-11	4.32	1.95	2.37
2011-12	6.60	2.00	4.60
2012-13	9.44	2.15	7.29
Total	23.86	9.60	14.26
Cine Welfare Fund			
2009-10	4.84	1.29	3.55
2010-11	Nil	Nil	Nil
2011-12	2.30	1.50	0.80
2012-13	2.23	1.63	0.60
Total	9.37	4.42	4.95

(Recommendation para No. 3.44)

The Committee note that there are overall 112 vacancies at various levels in the DGFASLI and Inspectorates of Dock Safety. More so, notably, after the work study undertaken by the Staff Inspection Unit (SIU), many posts of the organization were abolished. The Ministry conceded that the existing strength, being far from adequate, is adversely affecting the smooth functioning of DGFASLI. The Committee are unable to comprehend as to why the recommendations of SIU for abolishing the posts were not contested keeping in view the increased workload. The Committee, therefore, recommends that:-

- (i) The existing vacancies be filled up without further delay besides placing a fresh proposal for conducting work study by SIU before the Ministry of Finance clearly drawing attention towards the existing workload of DGFASLI; and
- (ii) All the sanctioned posts of RLI be filled up urgently for its smooth functioning and also a review study be undertaken for future activities planned vis-à-vis the manpower required.

Reply of the Government

There are overall 111 vacancies at various levels in the DGFASLI, Mumbai and Inspectorate of Dock Safety (IDS). The abolition of 115 posts as recommended by SIU in its reports was contested by DGFASLI and Ministry of Labour & Employment took up the issue with the Department of Expenditure, Ministry of Finance to undertake the work measurement study of DGFASLI organization afresh. However, the Department of Expenditure insisted on the implementation of the SIU report and suggested that the review study will be conducted by SIU after the report is implemented and the work stabilized in the new set up.

The Ministry has taken up to fill up the existing vacancies in DGFASLI on priority and several proposals for filling up of vacancies are at advance stage of recruitment in UPSC. The Ministry has also taken up with Department of Expenditure to conduct a review study of DGFASLI Organization at the earliest. Department of Expenditure has included it in their programme of studies subject to availability of manpower.

In view of the need of manpower for the newly established Regional Labour Institute at Faridabad, for its smooth functioning, action has been initiated by Ministry to fill up all the sanctioned posts on urgent basis. Review study of Regional Labour Institute (RLI), Faridabad would be part of the review SIU study for DGASLI.

(Recommendation para No. 3.59)

The Committee are anguished to find recurrent discrepancies in the statistics submitted to them. On the one hand there are 116 vacant posts dating back to the year 2004, in Group A, B and C while on the other, there are 642 persons against the total of 732. The Committee also find that a work study Committee was constituted in the year 2007 of SIU which had recommended for abolition of 115 posts belonging to group C once the persons occupying these posts superannuate. At the same time the work study Committee had also recommended for creation of 196 new posts. The Committee find it quite perplexing. The Committee, therefore, desire to know the details of the categories in which these posts have been created and the reasons for abolition of 115 posts. The Committee also desire that the vacancies be filled up without any further delay and the measures initiated in this behalf placed before them.

Reply of the Government

There were 642 persons against a total of 732 posts of Group A, B & C as on 22.03.2012.

The Number of posts created after SIU studies are as follows:-

Post created

Group A	Group B	Group C
112	55	196

The abolition of posts were based on the sample studies conducted by Staff Inspection Unit of the Department of Expenditure, Ministry of Finance. This report was accepted by the Work Study Committee constituted to assess the strength of DGMS to implement the mandate given to it under the Mines Act, 1952.

The actions are being taken to fill up the vacant posts expeditiously. It further submitted that the recommendation in respect of 45 posts of Deputy Director (Mining), (Electrical), (Mechanical) and OH discipline were received from UPSC. Out of this requisite pre-appointment formalities have been completed in respect of 26 candidates to whom offer have been issued. Out of them, 13 have already joined. The formalities in respect of remaining candidates are under way.

CHAPTER-V**RECOMMENDATION/OBSERVATION IN RESPECT OF WHICH
REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE****(Recommendation para No. 3.61)**

The Committee find that the ESIC is in the process of setting up ESI Medical College & hospital in Bhubaneshwar. The Committee are of the view that Bhubaneshwar, being the State Capital, already has so many hospitals including AIIMS and Railway Hospital besides two ESI hospitals. The Committee also note that there is an urgent and popular demand for setting up of a medical college in Rourkela by the ESIC. The present ESIC dispensary is woefully inadequate to provide medical facilities to large number of workers working in various small and medium industries there. The Committee, therefore, recommends that a ESI Medical College & Hospital be opened in Rourkela while in Bhubaneswar opening of a Nursing College and paramedical college/pharmaceutical may be considered.

Reply of the Government

A Sub-Committee under the Chairmanship of Additional Secretary, Ministry of Labour & Employment was constituted for taking a decision on location for setting up of Medical College and Hospital in Odisha. After visiting Odisha and meeting with the State Government officials and peoples' representatives at Bhubaneshwar and Rourkela, the Sub-Committee has submitted its Report. The Report of the Sub-Committee is under consideration.

New Delhi;
August, 2012
Bhadrapada , 1934 (Saka)

(HEMANAND BISWAL)
CHAIRMAN,
STANDING COMMITTEE ON LABOUR

Annexure

Information regarding Recruitment Rules (RRs) of various posts.

Sl. No.	Subject	Status
1.	Revision of RR for Group 'C' Technical Post.	Published in Gazette notification.
2.	Revision of RR for Group 'C' Non-Technical Post.	Published in Gazette notification.
3.	Amendment / Revision of RR for the post of Maintenance Electrician / V.I / JTA / Store Keeper/ Maintenance Electronics	Proposal is pending with UPSC for their approval on 16.07.2012.
4.	Amendment/Revision of RR for the post of Training Officer	Proposal is re-submitted to UPSC for their approval on 23.05.2012
5.	Amendment / Revision of RR for the post of Multi Tasking Staff (erstwhile Group 'D' Posts.)	Proposal is pending with Department of Official Language.
6.	Amendment of RR to the post of Junior Hindi Translator	Proposal is pending with DOPT RR (division) for their approval.
7.	Amendment of RR to the post of Senior Hindi Translator	Proposal is pending with DOPT RR (division) for their approval.
8.	Amendment of RR to	Proposal is pending with

	the post of Driver.	Ministry of Law & Justice for their approval.
9.	Framing/Amendment of RR to the post of Office Superintendent/ Hostel Warden/ Assistant of Group 'B' Non-Gazetted.	Under preparation.
10.	Framing/Amendment of RR to the post of Stenographer Gr.-II	Proposal is pending with Ministry of Law & Justice for their approval.
11.	Framing/Amendment of RR to the post of Stenographer Gr.-I	Proposal online submitted to DOPT for their approval.
12.	Framing/Amendment of RR to the post of Draughtsman.	Under preparation.
13.	Framing/Amendment of RR to the post of Departmental Canteens.	File is pending with re-submitted to Department of Official Language.

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) | XX | XX | XX |
| (ii) | Action taken by the Government on the recommendations/ observations contained in the 28 th Report of the Committee on 'Demands for Grants' of the Ministry of Labour & Employment for the year 2012-13, | | |
| (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.

APPENDIX-II**(Vide Para No. 3 of the Introduction)****ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON RECOMMENDATIONS
CONTAINED IN THE TWENTY-EIGHTH REPORT OF THE STANDING COMMITTEE ON
LABOUR (FIFTEENTH LOK SABHA)**

	Total	Percentage
I. Total number of Recommendations	26	
II. Recommendations/Observations which have been accepted by Government (Rec. Para. Nos.3.15, 3.16, 3.17,3.18,3.19,3.20, 3.21, 3.28, 3.29, 3.45,3.46,3.47,3.48,3.49,3.58,3.60, 3.62, 3.63,3.69,3.70,3.71 and 3.72	22	84.6%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies-	NIL	0
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee and which requires reiteration – (Rec. Para. Nos. 3.22,3.44 and 3.59)	03	11.02 %
V. Recommendations/Observations in respect of which final replies of Government are of interim in nature (Rec. Para No. 3.61)	01	4.02%
		----- 100% -----