

45

STANDING COMMITTEE ON LABOUR

(2013-2014)

FIFTEENTH LOK SABHA

MINISTRY OF LABOUR AND EMPLOYMENT

**[Action taken by the Government on the
Recommendations/Observations contained in the Thirty-Second Report
of the Standing Committee on Labour on the `Welfare of glass and bangle
workers of Firozabad – A case study`]**

FORTY- FIFTH REPORT



LOK SABHA SECRETARIAT

March, 2014/Phalguna, 1935 (Saka)

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of the Standing Committee on Labour on the `Welfare of glass and bangle
workers of Firozabad – A case study`]**

Presented to Hon'ble Speaker on 15 March 2014



LOK SABHA SECRETARIAT

NEW DELHI

March, 2014/Phalguna , 1935 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR

(2013-14)

SHRI DARA SINGH CHAUHAN - CHAIRMAN

MEMBERS

LOK SABHA

2. Shri Ashok Argal
3. Shri Ismail Hussain
4. Dr. Manda Jagannath
5. Dr. Virendra Kumar
6. Shri Nara Hari Mahato
7. Shri Hari Manjhi
8. Shri Bal Kumar Patel
9. Shri Mahendra Kumar Roy
10. Smt. J. Shantha
11. Shri Rajiv Ranjan Singh [Lalan]
12. Shri Ratan Singh
13. Shri Dinu Solanki
14. Shri Makansingh Solanki
15. Shri K. Sugumar
16. Shri Bibhu Prasad Tarai
17. Shri Suresh Kashinath Taware
18. Shri Om Prakash Yadav
- *19. Shri Madhu Goud Yaskhi
20. Vacant
21. Vacant

Rajya Sabha

22. Smt. T. Ratna Bai
23. Shri D. Bandyopadhyay
24. Shri Thaawar Chand Gehlot
25. Shri P. Kannan
26. Shri Mohd. Ali Khan
27. Shri Ranbir Singh Parjapati
28. Smt. Renubala Pradhan
29. Shri Rajaram
30. Shri G.N. Ratanpuri
31. Shri Jai Prakash Narayan Singh

* Nominated w.e.f 17th December, 2013

SECRETARIAT

1. Shri A.K. Singh - Joint Secretary
2. Shri P.V.L.N Murthy - Director
3. Smt. Bharti S. Tuteja - Deputy Secretary

INTRODUCTION

I, the Chairman of the Standing Committee on Labour having been authorized by the Committee to submit the Report on their behalf, do present this Forty-fifth Report on the action taken by the Government on the recommendations contained in the Thirty-Second Report of the Standing Committee on Labour (Fifteenth Lok Sabha) on '**Welfare of glass and bangle workers of Firozabad – A case study**'.

2. The Thirty-second Report was presented to Lok Sabha and also laid in Rajya Sabha on 30th August, 2012. The Ministry of Labour and Employment furnished their replies indicating action taken on the recommendations contained in that Report on 12th February, 2014. The Standing Committee on Labour at their sitting held on 21st February, 2014 considered and adopted the draft report and authorized the Chairman to finalise the same and present it to the Hon'ble Speaker/Parliament.

3. An analysis of the action taken by Government on the recommendations contained in the Thirty-Second 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;
21 February, 2014
Magha ,1935 (Saka)

DARA SINGH CHAUHAN
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 Thirty-Second Report (Fifteenth Lok Sabha) on 'Welfare of glass and bangle workers of Firozabad - A case study'.

1.2 The Thirty-Second Report was presented to Lok Sabha and also laid on the Table in Rajya Sabha on 30th August, 2012. It contained 15 recommendations/ observations. Replies of Government in respect of all the recommendations have been received and are categorized as under:-

- (i) Recommendations/Observations which have been accepted by the Government –

Para Nos.35, 37 ,41, 42, 44, 45, 46, 47,48 and 49

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply –

-NIL-

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

Para Nos. 36, 39 and 43

- (iv) Recommendations/Observations in respect of which replies of the Government are interim in nature-

Para Nos. 38 and 40

1.3 The Committee desire that action taken notes in respect of recommendations contained in Chapter I and final action taken notes in respect of recommendations contained in Chapter-V for which only interim replies have been given by the Government may be furnished to them at the earliest and in any case not later than 3 months of the presentation of this Report.

A. Extension of ESI Scheme

(Recommendation No.36)

1.4 The Committee felt that social security schemes like ESI scheme should be extended to these workers also. The Committee was 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.

1.5 In their action taken reply, the Ministry of Labour and Employment stated that:

“The Employees' State Insurance Act, 1948 is applicable to the workers in the organized sector. There is separate legislation i.e. Unorganised Workers Social Security Act, 2008 for providing social security and welfare of the unorganised workers which includes home based workers also.

Under this Act, Rashtriya Swasthya Bima Yojana has been launched, which provides health insurance coverage for all BPL families and certain other categories of unorganized workers and their families. Beneficiaries under Rashtriya Swasthya Bima Yojana are entitled to a

coverage within a limit for most health problems that require hospitalization.”

1.6 The Committee note from the reply of the Ministry that Employees’ State Insurance Act, 1948 is applicable to the workers in the organized sector, and Unorganised Workers Social Security Act,2008 is applicable to unorganized workers which provides health insurance coverage for all BPL families and certain other categories of unorganized workers and their families under Rashtriya Swasthya Bima Yojana. The Committee opine that most of the bangle workers are out of the purview of ESI Scheme which is evident from the fact that only 25025 Insured Persons are covered under the Act whereas there are more than four lakh bangle workers in the region. Since only BPL families are covered under Rashtriya Swasthya Bima Yojana, other Bangle workers who although are above poverty line, do not have access to health care facilities. The Committee, therefore, reiterate their recommendation that the ESI scheme be extended to all 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.

B. Adoption of latest and eco-friendly techniques

(Recommendation No. 38)

1.7 The Committee noted with anguish 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 strongly felt 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.

1.8 In their action taken reply, the Ministry of Labour and Employment stated that:

“The responsibility of the enforcement of the various provisions under the Factories Act, 1948 lies with the Chief Inspector of Factories appointed under the Act by the respective State Government. However, the Regional Labour Institute, Kanpur under the Director General of Factory Advice Services and Labour Institutes (DG,FASLI) has conducted a walk through survey in Bangle & Glass Industry at Firozabad (Uttar Pradesh) in collaboration with the Uttar Pradesh State Factories Directorate to assess the safety and health conditions and to ascertain the compliance of various provisions of safety ,health and welfare in the Factories Act, 1948 and submitted a Report of the Survey to the Ministry.

The Report of DGFASLI has been examined in the Ministry and recommendations made in the Report have been forwarded to the Principal Secretary (Labour), Government of Uttar Pradesh for taking suitable action for the implementation of the recommendations as made in the Report. The Action taken report is awaited.”

1.9 The Committee note from the reply of the Ministry that the Regional Labour Institute, Kanpur under the Director General of Factory Advice Services and Labour Institutes (DGFASLI) has conducted a walk

through survey in Bangle & Glass Industry at Firozabad to assess the safety and health conditions and to ascertain the compliance of the provisions of the Factories Act, 1948 and have submitted a Report to the Ministry. The recommendations made in the Report have been examined and have been forwarded to Principal Secretary (Labour), Government of Uttar Pradesh for taking suitable action. The Committee would like to be apprised of the recommendations made in the Report of the DGFASLI and the Action Taken Report given by the State in the due course.

C. Dedicated Scheme for Glass and Bangle Workers

(Recommendation No. 39)

1.10 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 recommended 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 were 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.

1.11 In their action taken reply, the Ministry of Labour and Employment stated that:

“All such glass and bangle workers who fall in BPL Category can be enrolled under the Rashtriya Swasthya Bima Yojana.

The ESI Act, 1948 is applicable to the workers in the organized sector. There is separate legislation i.e. Unorganised Workers Social Security Act, 2008 for providing social security and welfare of the unorganised workers which includes home based workers also.”

1.12 The Committee note from the reply of the Ministry that the glass and bangle workers who fall in BPL category can enroll themselves under the Rashtriya Swasthya Bima Yojana and that the ESI Act is applicable to the workers in the organized sector. The Ministry have further stated that Unorganised Workers Social Security Act provides for the social security and welfare of the unorganized workers which includes home based workers also. The Committee observe that the glass and bangle workers who do not fall under BPL category and are unorganized do not have any cover under any of the social security and welfare schemes of the Ministry. Moreover, nothing has been done under the Unorganised Workers Social Security Act for the welfare of the glass and bangle workers as a category. The Committee, therefore, reiterate their concern for a social security scheme for the welfare of all glass and bangle workers and desire they may be covered under RSBY as submitted by the Secretary during the evidence in a time bound manner.

D. Census of the Glass and Bangle Industry

(Recommendation No. 40)

1.13 The Committee noted that no census of workers engaged in glass and bangle industry has been conducted by the Government. The Committee recommended 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.

1.14 In their action taken reply, the Ministry of Labour and Employment stated that

“The Ministry of Micro, Small and Medium Enterprises has been requested to undertake a census and survey of the Industry. Report is awaited.”

1.15 The Committee note from the reply of the Ministry that the Ministry of Micro, Small and Medium Enterprises has been requested to undertake a census and survey of the Industry. The Committee would like to be apprised of the findings of the Report.

E. Revision of Minimum Wages

(Recommendation No. 43)

1.16 The Committee noted that children are working with their parents at home in glass and bangle making. The Committee felt 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.

1.17 In their action taken reply, the Ministry of Labour and Employment stated that:

“Under the provisions of Minimum Wages Act, 1948, State Governments are the appropriate Governments to fix, review and revise the minimum wages of the workers employed in the Scheduled employments under their respective jurisdiction.”

1.18 The Committee note from the reply of the Ministry that under the provisions of the Minimum Wages Act, 1948 State Governments are the appropriate Governments to fix, review and revise the minimum wages of the workers employed in the scheduled employments. The Committee are fully aware of the provisions of the Minimum Wages Act and reiterate that the Ministry should be pro active in their approach and earnestly take up the matter of the revision of minimum wages and the actual payment to the glass and bangle workers, particularly in the unorganized sector, at the prescribed rates with the State Governments.

CHAPTER-II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

(Recommendation No. 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 (Uttar Pradesh) and there is only one ESI hospital, that too in Agra, to cater to their medical needs. During their study visit, the Committee was 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 recommends the Government to undertake a fresh process of remapping of the IPs for opening a

new ESI hospital with specialty 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.

Reply of the Government

Glass and Bangle workers employed in factories are covered under the Employees' State Insurance Act, 1948. However, the ESI Act does not apply to the home based workers. Keeping in view the recommendation of the Committee, ESIC has undertaken special survey drive in Firozabad and Sikohabad and the latest position is as follows :-

Year	Number of Insured Persons in Firozabad	Number of Insured Persons in Shikohabad	Total Number of Insured Persons
March, 2012	15620	1748	17368
April, 2012	15943	1646	17589
May, 2012	16580	1610	18190
June, 2012	18773	1600	20373
July, 2012	22134	1599	23737
August, 2012	22561	1791	24352
November, 2013	24099	926	25025

As the number of Insured Persons (IPs) in the Firozabad area (including Sikohabad) fulfilled the norms of setting up of ESI Hospital, the ESI Corporation in its 160th meeting held on 19.09.2013 has approved the proposal for setting up a ESI Hospital at Firozabad.

(Recommendation No. 37)

The Committee is pleased to note that following their examination of the subject, the Government has 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 Health care to these workers by sending para-medics from ESIC to undertake periodic health surveys of these workers and provide necessary medical relief to them.

Reply of the Government

Rashtriya Swasthya Bima Yojana is being implemented in the Firozabad District for BPL Workers and last round of policy has been completed on 31.01.2014. Next round of Policy has already started on 01.02.2014.

As regards sending paramedical staff of ESIC to undertake periodic health survey and for providing medical relief to home based glass and bangle workers is concerned, it is to mention that the same would be beyond the mandate of the Employees' State Insurance Act, 1948. However, State Government is being requested to provide primary health care to such workers under NRHM or through some other scheme.

(Recommendation No. 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, 1948. 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, recommends 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, 1948.

Reply of the Government

The Directorate of Factories, Uttar Pradesh has been advised to carry out frequent and regular inspections in the Glass and Bangle Industries to ensure adequate protection to the workers exposed to such unhealthy and unsafe environment.

Further DGFASLI also proposes to organize workshops for creating awareness on safety and health issues amongst employers and workers working in the glass and bangle industries located at Firozabad, in association with the Directorate of Factories, Uttar Pradesh.

The Regional Labour Institute, Kanpur under this Directorate General has organized a Workshop titled 'Safety & Health in Glass Product & Bangle Industry' at Firozabad on 20.02.2013 for creating awareness on Safety & Health issues amongst employers and workers working in the Glass and Bangle Industries located at Firozabad.

(Recommendation No .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.

Reply of the Government

Secretary (L&E) has taken up the matter with the Chief Secretary, Government of Uttar Pradesh vide his D.O. dated 05.10.2012 requesting to explore the possibility of setting up an institute or introduce relevant courses in the existing local ITIs for providing training on glass industry related trades to the workers of Firozabad which may improve the skill levels of the existing workers and their children.

Director of Employment & Training, Government of Uttar Pradesh has also been requested to take necessary action for upgradation and expansion of capacity of existing ITIs in Trades relating to Glass Industry and setting up of new ITIs in PPP Mode in Firozabad. Similarly, under Skill Development Initiatives Scheme (SDI), State Government has been requested to register Vocational Training Provides (VTP) in the Firozabad where Modular Employable Skills (MES) in glass sector can be introduced and children of glass workers be facilitated to take training in these VTPs under SDI.

(Recommendation No. 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.

(Recommendation No 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.

Reply of the Government

As per Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986, children below the age of 14 are not permitted to work in the occupations and processes set-forth in Para-A and Para-B of the schedule. The Section further indicates that nothing shall apply to any workshop wherein any process is carried on by the occupier with the aid to his family or to any school established by, or receiving assistance or recognition from, Government. Since most of the children working in the Glass Manufacturing Factories in Firozabad District are home based, working with their family, as such they do not come in the purview of the Child Labour Act.

For elimination of the Child Labour, the Ministry has adopted multi-pronged strategy which includes:

- Legal Action Plan,
- Focus on general development programme for the benefit of the families of the Child Labour ;and

- Project based action in the areas of high concentration of Child Labour.

Legal action Plan is being implemented through implementation of the Child Labour Prohibition and Regulation) Act, 1986. Provision under the Act is being implemented by the Central as well as State Government in the area of their jurisdiction. Further to make the Act more strict, an amendment Bill has been introduced in the Parliament, which inter-alia, includes complete ban for employment of children upto the age of 14 years, ban on employment up to the age of 18 years in hazardous occupations and processes, making the punishment under the Act stricter and improvement in the mechanism of implementation of the Act etc.

The Government Policy also encourages convergence of services of different schemes of Ministries such as SSA, Mid-Day meal, MGNREGA, Rashtriya Swasthya Bima Yojana etc. for assisting the families of these child workers.

The Ministry has requested the State Government of Uttar Pradesh to survey the establishments in and around Firozabad to detect the incidence of child labour and to take steps for their rehabilitation.

(Recommendation No. 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.

Reply of the Government

The matter has been examined and it is to inform that State Government is appropriate Government under various Labour Laws in Glass and Bangle Industries. Hence, the matter does not fall under the jurisdiction of CLC(C)

Organisation in Central Sphere. However, Deputy Chief Labour Commissioners (Central) concerned have been advised to keep in touch with the State Labour Department and if needed, visit the places with them.

(Recommendation No. 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.

Reply of the Government

Observations of the Committee have been noted. Random Inspections would be conducted in Firozabad to cross check the identity of the genuine EPF Account holders and if any case of evasion is noticed, action as stipulated under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and other legal actions as permissible under the law would be taken.

(Recommendation No. 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 crore 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.

Reply of the Government

Under the provision of Minimum Wages Act, 1948, both the Central and State Governments are appropriate Governments to fix and revise the minimum wages in the scheduled employments under their respective jurisdictions. Glass and Bangle Sector comes under the State sphere and the State/UT Governments are the appropriate Governments to fix/revise the rate of minimum wages for workers in this sector. The Ministry of Labour and Employment is constantly in touch with State / UT Governments for implementation of minimum wages rates. The information regarding minimum wage rates in Glass and Bangle sector received from the different States is given below:

Statement Showing the latest minimum rates of wages of unskilled workers of Glass Bangle/Glass Industry in the Uttar Pradesh & other States.

Sl. No.	State	Employment	Minimum Wages in Rupees (per day)
01	Andhra Pradesh	Glass Industry	197.15
02	Bihar	Glass Industry	168.00
03	Haryana	Glass Industry	205.44
04	Jharkhand	Glass Sheet Manufactory	167.17
05	Karnataka	Glass & Glassware Industry	Area I 187.76 Area II 187.35
06	Maharashtra	Glass Industry	278.15 – 297.38
07	Odisha	Glass Industry	105.00
08	Rajasthan	Glass & China ware	166.46
09	Uttar pradesh	Glass Bangle (unskilled)	206.50

10	Uttarakhand	Glass Industry	155.27
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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 No. 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 is 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.

Reply of the Government

The Employees' State Insurance Act, 1948 is applicable to the workers in the organized sector. There is separate legislation i.e. Unorganised Workers Social Security Act, 2008 for providing social security and welfare of the unorganised workers which includes home based workers also.

Under this Act, Rashtriya Swasthya Bima Yojana has been launched, which provides health insurance coverage for all BPL families and certain other categories of unorganized workers and their families. Beneficiaries under Rashtriya Swasthya Bima Yojana are entitled to a coverage within a limit for most health problems that require hospitalization.

Comments of the Committee

For comments of the Committee please refer to Para No.1.6 of Chapter I of this Report.

(Ministry of Labour and Employment O.M. H-11013/8/2012-Coord. dated 12.02.2014)

(Recommendation No. 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 lakh 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.

Reply of the Government

All such glass and bangle workers who fall in BPL Category can be enrolled under the Rashtriya Swasthya Bima Yojana.

The ESI Act, 1948 is applicable to the workers in the organized sector. There is separate legislation i.e. Unorganised Workers Social Security Act, 2008 for providing social security and welfare of the unorganised workers which includes home based workers also.

Comments of the Committee

For comments of the Committee please refer to Para No.1.12 of Chapter I of this Report.

(Ministry of Labour and Employment O.M. H-11013/8/2012-Coord. dated 12.02.2014)

(Recommendation No. 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.

Reply of the Government

Under the provisions of Minimum Wages Act, 1948, State Governments are the appropriate Governments to fix, review and revise the minimum wages of the workers employed in the Scheduled employments under their respective jurisdiction.

Comments of the Committee

For comments of the Committee please refer to Para No.1.18 of Chapter I of this Report.

(Ministry of Labour and Employment O.M. H-11013/8/2012-Coord. dated 12.02.2014)

CHAPTER-V

RECOMMENDATION/OBSERVATION IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE

(Recommendation No. 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.

Reply of the Government

The responsibility of the enforcement of the various provisions under the Factories Act, 1948 lies with the Chief Inspector of Factories appointed under the Act by the respective State Government. However, the Regional Labour Institute, Kanpur under the Director General of Factory Advice Services and Labour Institutes (DG,FASLI) has conducted a walk through survey in Bangle & Glass Industry at Firozabad (Uttar Pradesh) in collaboration with the Uttar Pradesh State Factories Directorate to assess the safety and health conditions and to ascertain the compliance of various provisions of safety ,health and welfare in the Factories Act, 1948 and submitted a Report of the Survey to the Ministry.

The Report of DGFASLI has been examined in the Ministry and recommendations made in the Report have been forwarded to the Principal Secretary (Labour), Government of Uttar Pradesh for taking suitable action for the implementation of the recommendations as made in the Report. The Action taken report is awaited.

Comments of the Committee

For comments of the Committee please refer to Para No.1.9 of Chapter I of this Report.

(Ministry of Labour and Employment O.M. H-11013/8/2012-Coord. dated 12.02.2014)

(Recommendation No. 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.

Reply of the Government

The Ministry of Micro, Small and Medium Enterprises has been requested to undertake a census and survey of the Industry. Report is awaited.

Comments of the Committee

For comments of the Committee please refer to Para No.1.15 of Chapter I of this Report.

(Ministry of Labour and Employment O.M. H-11013/8/2012-Coord. dated 12.02.2014)

New Delhi;
February, 2014
Magha ,1935 (Saka)

DARA SINGH CHAUHAN,
CHAIRMAN,
STANDING COMMITTEE ON LABOUR

APPENDIX-II

(Vide Para No. 3 of the Introduction)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON
RECOMMENDATIONS CONTAINED IN THE THIRTY-FIFTH REPORT OF THE
STANDING COMMITTEE ON LABOUR (FIFTEENTH LOK SABHA)**

		Total Percentage	
I.	Total number of Recommendations	15	
II.	Recommendations/Observations which have been accepted by Government	10	66.67%
	(Rec. Para. Nos. 35, 37 ,41, 42, 44, 45, 46, 47,48 and 49		
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply	NIL	NIL
IV.	Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee	03	20%
	(Rec. Para. Nos. 36, 39 and 43)		
V.	Recommendations/Observations in respect of which final replies of Government are of interim in nature	02	13.33%
	(Rec. Para Nos. 38 and 40)		

			100%
