

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:555

ANSWERED ON:09.12.2013

CONTRACT LABOUR

Azad Shri Kirti (Jha);Bundela Shri Jeetendra Singh;Das Shri Ram Sundar;Jaiswal Shri Gorakh Prasad ;Karwariya Shri Kapil Muni;Mohan Shri P. C.;Patel Shri Devji;Patil Shri A.T. Nana;Punia Shri P.L. ;Sudhakaran Shri K.;Tudu Shri Laxman;Vishwanath Shri katti Ramesh

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether large a number of organizations in the Government departments/public/private sectors prefer engagement of contract labour over employment on regular basis denying social benefits to such employees;
- (b) if so, the reaction of the Government thereto;
- (c) the details of provision and law for employing contract labour in an establishment;
- (d) the details of action taken against such establishments which violate the statutory provisions under all labour laws, State-wise during each of the last three years and the current year;
- (e) whether the Government has not maintained the centralised record of persons working on contract basis in various Ministries/ Departments/ Establishments;
- (f) if so, the reasons therefor; (g) whether there have been several cases where contract labourers have not been paid minimum wages or have not been provided with their entitled benefits and if so, the reasons therefor along with the action taken in this regard; and (h) whether there are disparities between States in ensuring minimal working conditions for such contract labourers and if so, the details of the steps taken by the Government to address the same?

Answer

MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI KODIKUNNIL SURESH)

(a) to (c) : Any establishment can employ contract workers through private contractors in any job or process unless it is prohibited under section 10 of the Contract Labour (Regulation & Abolition) Act, 1970.

However, the establishments engaging contract workers have to follow the statutory provisions contained in labour laws.

The Government ensures that the interest of contract labour in terms of wages and other service conditions are safeguarded under the Contract Labour (Regulation & Abolition) Central Rules, 1971. The wages of the contract labour shall not be less than the rates prescribed under Minimum Wages Act, 1948 and in cases where the contract worker perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service shall be the same as applicable to the workmen directly employed by the principal employer doing the same or similar kind of work. This is enforced by Chief Labour Commissioner in the Central sphere and State Labour Commissioners in the State sphere.

The social security aspects of contract workers under Employees Provident Fund and Miscellaneous Provision Act, 1952 and Employees State Insurance Act 1948, are enforced by the Employees Provident Fund Organisation and Employees State Insurance Corporation respectively provided the workers working in the outsourced establishments are covered under the said Acts.

(d) : To safeguard the interest of the Contract Worker further in terms of wages and social security a proposal for amendments to the Contract Labour (Regulation and Abolition) Act, 1970 is under consideration and the details are being worked out in consultation with other Ministries.

(e) & (f) : Yes, the data pertaining to the contract workers is not being maintained centrally.

(g) : In the central sphere, the complaints are received in the field offices of Chief Labour Commissioner (Central) under the Contract Labour (Regulation & Abolition) Act, 1970, Minimum Wages Act, 1948 and by other laws applicable to contract labour, which are investigated and action is taken

(h): The Labour being in the concurrent list of the Constitution of India, the State and the Central Government have the powers to make their own rules etc. for the administration of various labour laws. As such, there can be disparities between States in minimum working conditions for the workers/contract labours.

