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**COMMITTEE ON  
GOVERNMENT ASSURANCES  
(2014-2015)**

**SIXTEENTH LOK SABHA**

**FIFTH REPORT**

REVIEW OF PENDING ASSURANCES PERTAINING  
TO THE MINISTRY OF LABOUR AND EMPLOYMENT

*Presented to Lok Sabha on 23 December, 2014*



**LOK SABHA SECRETARIAT  
NEW DELHI**

***December, 2014/Pausha, 1936 (Saka)***

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NEW DELHI

*December, 2014/Pausha, 1936 (Saka)*

**CGA No. 255**

*Price: ₹ 65.00*

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifteenth Edition) and Printed by the General Manager, Government of India Press, Minto Road, New Delhi-110 002.

## CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE (2014-2015) .....	(iii)
INTRODUCTION .....	(v)
REPORT	
REVIEW OF PENDING ASSURANCES PERTAINING TO THE MINISTRY OF LABOUR AND EMPLOYMENT. ....	1
APPENDICES	
I. USQ No. 1291 dated 16.11.1987 regarding Amendment to the Minimum Wages Act. ....	16
II. USQ No. 3747 dated 07.12.1988 regarding Amendment to the Minimum Wages Act and the Employees State Insurance Act. ....	17
III. SQ No. 188 dated 08.03.1989 regarding Amendment to the Minimum Wages Act. ....	18
IV. USQ No. 4735 dated 05.05.1995 regarding Minimum Wages Act, 1948. ....	19
V. USQ No. 536 dated 22.11.2000 regarding Closure of Industrial Units. ....	20
VI. SQ No. 428 dated 21.04.2003 regarding Representation to Workers on Board of Directors. ....	23
VII. USQ No. 5600 dated 02.05.2005 regarding EPF Facilities to Workers of Small Companies. ....	25
VIII. USQ No. 2786 dated 12.12.2005 regarding Amendment in E.P.F. and M.P. Act, 1952. ....	26
IX. USQ No. 5296 dated 14.05.2007 regarding Workers' Bank. ....	27
X. USQ No. 658 dated 03.03.2008 regarding Assistance for setting up New Industrial Training Institutes. ....	28
XI. USQ No. 1281 dated 27.10.2008 regarding Regularisation of Casual and Contract Workers. ....	29
XII. Calling Attention dated 26.02.2009 regarding Need to Re-Examine Employees' Provident Fund Pension Scheme. ....	30

(ii)

	PAGE
XIII. & XIV SQ No. 121 dated 13.07.2009 (Shri Kishnbhai V. Patel, M.P. and Shri Pradeep Majhi, M.P.) regarding Child Labour. ....	38
XV. USQ No. 1258 dated 13.07.2009 regarding Regularisation of Casual and Contract Workers. ....	43
XVI. USQ No. 2052 dated 20.07.2009 regarding Modernisation and Upgradation of ITIs. ....	44
XVII. USQ No. 1657 dated 30.11.2009 regarding Regularisation of Casual/Contract Workers. ....	46
XVIII. USQ No. 1725 dated 08.03.2010 regarding Setting up of New ITIs/ITCs. ....	47
XIX. USQ No. 2813 dated 15.03.2010 regarding Amendment in Minimum Wages Act, 1948. ....	52
XX. USQ No. 2913 dated 15.03.2010 regarding Amendment in Contract Labour Act, 1970. ....	53
XXI. USQ No. 3871 dated 19.04.2010 regarding Salary Limit for Provident Fund. ....	54
XXII. USQ No. 159 dated 26.07.2010 regarding Swavalamban Scheme. ...	55
XXIII. SQ No. 302 dated 16.08.2010 regarding Employees' Pension. ....	56

ANNEXURES

I. Minutes of the Sitting of the Committee held on 08 October, 2014 .....	58
II. Minutes of the Sitting of the Committee held on 22 December, 2014 .....	62

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES\*  
(2014-2015)

Dr. Ramesh Pokhriyal "Nishank" — *Chairperson*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Anto Antony
5. Prof. (Dr.) Sugata Bose
6. Shri Naranbhai Bhikhabhai Kachhadia
7. Shri Bahadur Singh Koli
8. Shri Prahlad Singh Patel
9. Shri A.T. Nana Patil
10. Shri C.R. Patil
11. Shri Sunil Kumar Singh
12. Shri Tasleem Uddin
13. Shri K.C. Venugopal
14. Shri S.R. Vijayakumar
15. Vacant

SECRETARIAT

1. Shri R.S. Kambo — *Joint Secretary*
2. Shri U.B.S. Negi — *Director*
3. Shri T.S. Rangarajan — *Additional Director*
4. Shri Kulvinder Singh — *Committee Officer*

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\*The Committee was constituted *w.e.f.* 01 September, 2014 *vide* Para No. 633 of Lok Sabha Bulletin Part-II dated 02 September, 2014.

## INTRODUCTION

I, the Chairperson of the Committee on Government Assurances, having been authorized by the Committee to submit the Report on their behalf, present this Fifth Report of the Committee on Government Assurances.

2. The Committee (2014-2015) at their sitting held on 08 October, 2014 took oral evidence of the representatives of the Ministry of Labour and Employment regarding pending assurances from 8th Lok Sabha to 5th Session of the 15th Lok Sabha pertaining to them.

3. At their sitting held on 22 December, 2014, the Committee (2014-2015) considered and adopted their Fifth Report.

4. The Minutes of the aforesaid sittings of the Committee form part of this report.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the Report.

NEW DELHI;  
22 December, 2014  
1 Pausha, 1936 (Saka)

DR. RAMESH POKHRIYAL "NISHANK"  
*Chairperson,*  
*Committee on Government Assurances.*

## REPORT

### I. Introductory

The Committee on Government Assurances scrutinize the assurances, promises, undertakings etc. given by the Ministers from time to time on the floor of the House and report to the extent to which such assurances, promises, undertakings etc. have been implemented. Once an assurance has been given on the floor of the House, the same is required to be implemented within three months. The Ministries/Departments of the Government of India are under obligation to seek extension of time, if they are unable to fulfil the assurance within the prescribed periods of three months. Where a Ministry/Department are unable to implement an assurance, they are required to move the Committee to drop the same. The Committee consider such requests and agree to drop, if they are convinced with the grounds cited to be justified. The Committee also examine whether the implementation of assurances has taken place within the minimum time necessary for the purpose and the Committee also look into the extent to which the assurances have been implemented.

2. The Committee on Government Assurances (2009-10) took a policy decision to call the representatives of the various Ministries/Departments of the Government of India, in a phased manner, to review the pending assurances and also look at the reasons for pendency, the operation of the prescribed system in the Ministries/Departments for dealing with assurances. The Committee also decided to look at the quality of assurances implemented by the Government.

3. In pursuance of the decision referred to above, the Committee (2014-15) called the representatives of the Ministry of Labour and Employment and examined the 23 pending assurances (Appendix I to XXIII) pertaining to them at their sitting held on 08 October, 2014 which are as given below:—

Sl. No.	SQ/USQ No. and date	Subject
1.	USQ No. 1291 dated 16.11.1987	Amendment to the Minimum Wages Act.
2.	USQ No. 3747 dated 07.12.1988	Amendment to the Minimum Wages Act and the Employees State Insurance Act.
3.	SQ No. 188 dated 08.03.1989	Amendment to the Minimum Wages Act.
4.	USQ No. 4735 dated 05.05.1995	Minimum Wages Act, 1948.
5.	USQ No. 536 dated 22.11.2000	Closure of Industrial Units.
6.	SQ No. 428 dated 21.04.2003	Representation to Workers on Board of Directors.
7.	USQ No. 5600 dated 02.05.2005	EPF Facilities to Workers of Small Companies.
8.	USQ No. 2786 dated 12.12.2005	Amendment in E.P.F. and M.P. Act, 1952.

Sl. No.	SQ/USQ No. and date	Subject
9.	USQ No. 5296 dated 14.05.2007	Workers bank.
10.	USQ No. 658 dated 03.03.2008	Assistance for setting up New Industrial Training Institutes.
11.	USQ No. 1281 dated 27.10.2008	Regularisation of Casual and Contract Workers.
12.	Calling Attention dated 26.02.2009	Need to Re-Examine Employees Provident Fund Pension Scheme.
13.	SQ No. 121 dated 13.07.2009 (Shri Kishnbhai V. Patel, M.P.) and SQ No. 121 dated 13.07.2009 (Shri Pradeep Majhi, M.P)	Child Labour. Child Labour.
14.	USQ No. 1258 dated 13.07.2009	Regularisation of Casual and Contract Workers.
15.	USQ No. 2052 dated 20.07.2009	Modernisation and Upgradation of ITIs.
16.	USQ No. 1657 dated 30.11.2009	Regularisation of Casual Contract Workers.
17.	USQ No. 1725 dated 08.03.2010	Setting up of New ITI/ITCs.
18.	USQ No. 2813 dated 15.03.2010	Amendment in Minimum Wages Act, 1948.
19.	USQ No. 2913 dated 15.03.2010	Amendment in Contract Labour Act, 1970.
20.	USQ No. 3871 dated 19.04.2010	Salary Limit for Provident Fund.
21.	USQ No. 159 dated 26.07.2010	Swavalamban Scheme.
22.	SQ No. 302 dated 16.08.2010	Employees Pension.

4. The above-mentioned questions and the answers given thereto, wherein the assurances were pending implementation, are shown in Appendices I-XXIII.

## II. Scrutiny of Pending Assurances

### A. Amendment to the Minimum Wages Act

- Sl. No. 1: USQ 1291 dated 16.11.1987 regarding Amendment to the Minimum Wages Act.
- Sl. No. 2: USQ 3747 dated 07.12.1988 regarding Amendment to the Minimum Wages Act and the Employees State Insurance Act.
- Sl. No. 3: SQ No. 188 dated 08.03.1989 regarding Amendment to the Minimum Wages Act.
- Sl. No. 4: USQ 4735 dated 05.05.1995 regarding Wages Act, 1948.
- Sl. No. 19: USQ 2813 dated 15.03.2010 regarding Amendment in Minimum Wages Act, 1948.

5. During the course of evidence, when the Committee enquired about the reasons for non-implementation of such important assurances for the last 27 years, the Secretary of Ministry responded as under:

"Your question is valid as to why the assurances are pending for such a time. I regularly review them. Time has been sought in most of the cases. Most of

our assurances relate to amendment in Labour Act. Amendment in Act is a long process. For example, amendment in our Factories Act. which has been introduced recently in Lok Sabha and its process was going on since 1997. Amendment in Act involves lengthy procedure and tripartite discussion, always there is no consensus. Then it is uploaded in website and then the responses are received from the people. It is not that we are sitting with out work. In 1989, first draft note for cabinet was sent, then in 1990 it was sent to law department.

Between May 1989 to March 1990, draft cabinet note was circulated to departments of Central Government. On 24.04.1990, certain changes were incorporated in consultation with the Chief Labour Commissioner, it was again sent to Legislative Department. In Year 1991-92, then again it was discussed with legal affairs in a series of meetings. In Year 1992-93, Ministry of Home Affairs considered it and DCN was again prepared and sent to Law and Justice. I do not take time of the Committee. If you say we can give you the sequence. I want to come to the latest position. How do we move forward? We given it in our reply. In 1995-96, Cabinet Secretary returned the note with the remarks that it should also be shown to the Planning Commission. On 01.02.1999, the Cabinet Secretariat told that the matter may be brought before the Committee of Secretaries. On 12.02.2013 This was approved by the Cabinet on 21.02.2013 and it was told a suitable bill may be prepared. Cabinet in its meeting on 12.02.2014 decided that in the first instance it may be given to Group of Ministers. It is so complicated issue and there are lot of differences that it was difficult to accommodate all of them. Then Group of Ministers was discontinued. Then we kept in the public domain for inviting comments. It was circulated for inter-Ministerial consultation on 07.08.2014. For keeping in public domain and the union had a meeting with the Minister, there were differences on fundamental issues. That is why we are constituting an inter ministerial group, to look it again because issues which has come up, as to how to fix minimum wages. We have a proposal that there should be national floor level minimum wages. At present we do not have national minimum floor wages. We have written letter to all the State Governments requesting that minimum wages should be fixed. But there is no floor that you can not do less than that. At present we write letter on non-statutory way to fix minimum wage. Now there is proposal to bring it from non-statutory to statutory. Our second proposal is as of now what are the works which are covered under minimum wage. This has to be notified by the State Governments, thereafter minimum wage will be work out. We have proposed in the revised that it should be implemented in all. There is no major issues. Issue is as to how to fix minimum wage? What should be the base of fixing? We have given a formula which we have put in the public domain to seek recommendation. What are the recommendations that we have received. The Karnataka Employers Association in response to the note that we had submitted on the website asked us to revise the national floor level minimum wage once in two years instead of six months as proposed. We proposed every Six Months,

they said do it every two years as proposed. In case it is revised once in two years, the employer will have all resources at his hands to see where to effect what change to gain back at least his additional expenses. Secondly, they have said, fix the same rate of minimum wage for all industries at the same rate. Right now, it is category-wise like semi-skilled, skilled and you could even have differentiation within one category.

Then, Indian Chamber of Commerce does not support an all India minimum wage. In most of our cases, there is complete divergence in views between employers and employees.”

6. On being enquired by the Committee about the issues in the case, the Secretary of the Ministry responded as under:

"I am reading out on this particular issue of fixation of minimum wage. The views are so divergent that it is so difficult to reconcile and get everybody to agree to it. Indian Chamber of Commerce does not support an all India minimum wage. There is a lot of variation in the cost of living in each State. So, every State should fix its own minimum wage. It is what they say. We have received lot of comments, among them is Southern India Mills Association, Centre for Education Communication, lot of Unions have given suggestions that it should be made more stringent. At this moment, we are constituting an inter-ministerial group to go in to all these suggestions and give its recommendations."

7. The Committee were informed during the evidence that there is no difference on the issue among the Ministries but the trade unions do not agree on lowest common denominator and clarified further as under:

"The problem is if we take lowest common denominator then trade unions do not agree on it. If we take high then employers do not agree, States have differences as the Hon'ble Member is saying, the differences are like that. We are trying that in the inter-ministerial group which is with us, we have collected all that. We have kept in the website during the month of June, we have received lot of suggestions, which are contradictory suggestions which will be reconciled by the Inter-Ministerial group in its sitting. We will complete this process in 4 weeks. This process is under our control. We will complete this process. After completing this process, we will again upload it to the website. Actually, we have drafted our bill along with legislative. That was ready for introduce. But unions have their own opposition. Therefore, we have differed it. In four weeks our IMG will give its recommendations, that will again be uploaded to the website and after inviting comments on it we will go for action."

8. On being asked about the impact of minimum wage on industry, the Secretary of the Ministry clarified as under:

"It is very serious dilemma as to what the Hon'ble Member has said. I do not want to mention that but since Hon'ble Member has raised then I am taking the liberty. Sir, Nobody wants minimum wage Rs. 137 to be made statutory,

neither the unions want it nor others want it. If we make it, it will be much higher. Sir, if we make it much higher then what are the occupations in the States which will be adversely affected. The basic point is that a lot of people have lot of reservations that whole country, the entire professions, for all occupations we are up deciding one absolute number of minimum wage. What will be its impact on economy, we can not say anything entirely. Sir, there are States of north east, where they are not giving even Rs. 137, there they are giving in some cases Rs. 107, Rs. 122 are giving. Sir, it will have its lot of impact on economy. What we have proposed presently, this was proposed very balanced. We also make national minimum floor that is not have adverse impact on economy. That is not acceptable to the unions. Unions have expressed very strongly against that in the meeting."

9. When the Committee asked about the suggestions of the Unions, the Secretary of the Ministry responded as under:

"Sir, the Unions are demanding Rs. 15000 as the minimum wage, therefore, it is difficult to bring contradictory together."

10. When the Committee suggested to frame model act for the purpose, the Secretary of the Ministry clarified as under:

"Sir, we have the Act. States have liberty and Rs. 137 floor has been given to them. As a matter of fact, if nothing is being done, State Governments are doing themselves. We are sending letters in between from time to time."

#### **Observations/Recommendations**

**11. The Committee note with deep concern that five assurances on an important issue relating to Minimum Wages Act, 1948 are pending for implementation for a long period of time. In fact, the first assurance on the subject was given way back in the year 1987 i.e. 27 years ago. Thereafter, similar assurances were given in the year 1988, 1995 and 2010. While explaining the reasons for non-implementation of such an important assurance for the last 27 years, the Secretary of the Ministry stated that the proposed amendment of the Act is very lengthy procedure and involves tripartite discussions with stakeholders. In 1989, the first draft note on the subject was sent to the Cabinet and then in 1990 it was sent to the Law Department. Between May 1989 to March 1990, draft Cabinet Note was circulated to Departments of Central Government. On 24.04.1990, certain changes were incorporated in consultation with the Chief Labour Commissioner and it was again sent to the Legislative Department. In the Year 1991-92, it was again discussed with legal affairs in a series of meetings. In 1995-96, the Cabinet Secretariat returned the note with the remarks that it should also be shown to the Planning Commission. On 20.01.1999, the Cabinet Secretariat directed that the matter may be brought before the Committee of Secretaries. The Cabinet in its meeting held on 21.02.2013 approved the proposal with further direction that a suitable bill may be prepared. In its meeting held on 12.02.2014, the Cabinet decided that in the first instance the matter may be considered by a Group of Ministers. But then Group of Ministers was scrapped and the proposals were placed in the public domain on 17.06.2014 for inviting comments. The draft**

**Cabinet Note was circulated for inter-ministerial consultation on 07.08.2014. The comments have since been received and consolidated. However, an inter-ministerial group is being constituted to sort out the differences of opinion among stakeholders. Notwithstanding the explanation of the Ministry in the matter, the fact remains that the implementation of the assurances on an important subject like the one in the instant case has been inordinately delayed and it still remains pending for implementation for more than two decades. This is despite the fact that the Committee in its 3rd Report (14th Lok Sabha) presented to the House on 4.8.2005 emphasized the need for drastic modifications in the existing provisions of the Act in the interest of helpless labourers and recommended that the amendments be finalised without further loss of time. However, the proposed amendments in the Act are yet to be finalized. The Committee have taken note of various actions taken by Government from time to time, in furtherances to the amendments in the said Act. The Committee note that once Government decides to make any law or amendment in the existing Act a series of action sets in motion, including consultations with various stakeholders. As enactment of a proposal to fructify into an Act, is a long drawn and cumbersome procedure, no definite timeframe can be fixed. The Committee therefore desire that Government should place all the relevant fact/Development on the Table of the House, in furtherance to part implementation of the assurance.**

#### **B. Regularization of casual and contract workers**

12. In response to USQ No. 1281 dated 27.11.2008 (S.No. 11), USQ No. 1258 dated 13.07.2009 (S.No. 15) and USQ No. 1657 dated 30.11.2009 (S.No. 17) regarding regularization of casual and contract workers, assurances were given that the information is being collected and will be laid on the Table of the House. In its status report in the matter, the Ministry have furnished in writing the following comments:—

"The Central Ministries/Departments and PSUs had been requested to furnish the details like number of non-muster-roll and casual workers appointed in the Central Government, PSUs during the last three years and current year and details of minimum wages paid to them etc. Reminders were issued on 15.04.2009 and 14.05.2009. As a number of PSUs and Ministries/Departments did not furnish the information, a meeting was held on 11.11.2009 with the representatives of the Ministries/Departments that had not furnished the information. Thereafter, Secretary (L&E) also wrote a DO letter to all the defaulting Ministries/Departments on 09.01.2013. The matter has constantly been pursued through Regional Labour Commissioners and efforts were made to consolidate the information. However, it could be compiled partially as information has been awaited from a number of Ministries/CPSUs. To fulfil these assurances, it was decided at the level of Union Minister of Labour & Employment to call for the complete consolidated information afresh from all Ministries/Departments. In this regard, a letter at the level of AS/DGLW has been issued to Secretaries of all Ministries/Departments on 29.10.2012. Information has been received from a few Ministries/Departments and it has been seen that the Ministries/Departments are still not sending complete information in a consolidated manner. A DO letter from Secretary (L&E) has

been written in this regard to all Secretaries of Ministries/Departments *vide* DO No. H-11017/8/08-LW dated 9th January, 2013. Last reminder was issued on 16.09.2014. Information received from 32 Ministries/Depts, out of 84 Ministries, Extension has been sought up to 28.02.2015 with the approval of Hon'ble LEM."

13. In this context, the representative of Department of Personnel and Training during the course of evidence stated as under:—

“As per instructions of the Government, regularization of casual labour was one time scheme. Temporary status was given in 1993. We do not recognize casual labour. They are not selected as per the constitutional means of recruitment process, such instructions of DoPT are already there. All recruitment should be done through constitutional provisions and just because they are casual labours that does not mean that they need to be regularized. There is one very famous judgement of Uma Devi of 2006. This does not talk about casual labours. Casual labours is for work on seasonal and intermittent nature. For regular work, our instructions say that for regular work regular post, casual labour should not be employed. Our instructions from the beginning are clear. Whatever people were left out, our scheme of 1993, we have said only that we will regularize one time. As on that date 01.10.1993, one year has worked, there were three posts of Group D, they will be given preference on two. It was one time scheme which is now almost over because, one there is no Group D after the Sixth Pay Commission, they are all Group C now but in consultation with Expenditure, wherever people are left out, which came under temporary status scheme, we are regularizing them even today.”

#### Observations/Recommendations

**14. The Committee are constrained to note that assurances given in reply to USQ No. 1281 dated 27.10.2008, USQ No. 1258 dated 13.07.2009 and USQ No. 1657 dated 30.11.2009 regarding regularization of casual and contract workers still remain pending for implementation for the last 5-6 years. The assurances given in the matter was simply to collect information regarding the number of non-muster-roll and casual workers appointed in the Central Government/Public Sector Undertakings, the minimum wages paid to them etc. However, the Committee regret to note that the Ministry have not been able to compile the requisite information even after a lapse of more than 5-6 years. The Committee were informed that the matter has constantly been pursued through Regional Labour Commissioners and efforts were made to consolidate the information. However, it could be compiled partially as information is awaited from a number of Ministries/CPSUs. The very fact that information has been received only from 32 Ministries/Departments out of 84 Ministries/Departments explains the lack of seriousness and concerted and coordinated approach of the Ministry on the issue, which is highly deplorable. During the course of evidence, the Committee were also informed that the Government do not recognize casual labours as they are not selected as per the constitutional means of recruitment. Further, Casual labours are engaged for work which are seasonal and intermittent in nature.**

**As per instructions of the Government in 1993, regularization of casual labour was one time scheme and they were given temporary status. The Scheme is now almost over and only the left out casual workers which came under 1993 scheme are being regularized. In view of the foregoing, the Committee recommend that the Ministry should actively, consistently and vigorously pursue the matter with all concerned to get the requisite information with a view to expedite the implementation of the assurance without any further delay.**

### **C. Representation to workers on Board of Directors**

15. In reply to SQ No. 428 dated 21.04.2003 regarding Representation to Workers on Board of Directors, an assurance was given that a view in the matter is yet to be taken.

16. In its status report, the Ministry has stated as under:—

"The Ministry of Labour & Employment had introduced the Participation of Workers in Management Bill, 1990 in the Rajya Sabha on 30.05.1990 with the objective to provide meaningful participation of workers in management at the Shop floor, Establishment level and Board level.

The Bill was, thereafter, referred to the Standing Committee on Labour, Lok Sabha for examination. The Committee in their Report Submitted on 18.12.2001 had given certain recommendations and directed that the Ministry should hold tripartite meetings with all concerned to bring an early legislation. The Parliamentary Committee was informed in 2005 that due to lack of consensus on the issue of participation of workers at the Board level, it was decided to pursue the Bill with some modifications after discussion/consultation with social partners in view of new social and economic parameters that have evolved since 1990. The Bill, thereafter, has been discussed in various Tripartite Committee meetings with a view to arrive at a consensus on the core issue of Workers' Participation at Apex/Board level. While Employers' representatives were agreeable for participation of workers at the Shop floor and Establishment level only, the representatives of the workers insisted for Participation in Management at the Board level also.

The Ministry had convened two Tripartite meetings on 12.05.2010 and 22.11.2010 under the Chairmanship of Secretary (L&E) to discuss the issue. However, no consensus could be achieved on Participation of workers at the Board level.

Subsequently, V.V. Giri National Labour Institute was entrusted to conduct a comprehensive study to ascertain the existing international practices on the participation of workers in management, especially at the Board/Apex levels and to redraft the Bill in tune with the existing scenario after taking in to account the recommendations of the Parliamentary Standing Committee and the views evolved during the consultations of the Study Report received from the VVGNI was circulated to all concerned.

It is now proposed to hold another Tripartite Consultation meeting with all stakeholders under the chairmanship of Hon'ble LEM, shortly.

17. During the course of evidence, the Secretary of the Ministry stated as under:—

"It was introduced in the Parliament. We have several tripartite discussion that it may be withdrawn. There is no agreement on that. We have a meeting with the Minister on 17<sup>th</sup> but there will be agreement, it appears to be very difficult."

#### **Observations/Recommendations**

**18. The Committee are distressed to note that the assurance given in reply to SQ No. 428 dated 21.04.2003 regarding Representation to workers on Board of Directors is pending for the last more than 11 years. In this context, the Committee were informed that the Participation of Workers in Management Bill, 1990 was introduced in Rajya Sabha on 30.05.1990 with the objective to provide meaningful participation of workers in management at the Shop floor, Establishment level and Board level. The Bill was, thereafter, referred to the Standing Committee on Labour, Lok Sabha for examination. The Committee in their Report submitted on 18.2.2001 had given certain recommendations and directed that the Ministry should hold tripartite meetings with all concerned to bring an early legislation. Due to lack of consensus on the issue of participation of workers at the Board level, it was decided to pursue the Bill with some modifications after discussion/consultation with social partners in view of new social and economic parameters that have evolved since 1990. The Bill, thereafter, was discussed in various Tripartite Committee meetings with a view to arrive at a consensus on the core issue of Workers' Participation at the Apex/Board level. The Ministry had convened two Tripartite meetings on 12.05.2010 and 22.11.2010 to discuss the issue. However, no consensus could be achieved on Participation of workers at the Board level. Subsequently, V.V. Giri National Labour Institute was entrusted to conduct a comprehensive study to ascertain the existing international practices on the participation of workers in management, especially at the Board/Apex levels and to redraft the Bill in tune with the existing scenario after taking into account the recommendations of the Parliamentary Standing Committee and the views evolved during the consultations of the Study Report received from the VVG NLI was circulated to all concerned. The Ministry proposed to hold another Tripartite Consultation meeting with all stakeholders under the Chairmanship of Hon'ble LEM, shortly. In view of the foregoing, the Committee hope and trust that the Ministry will play proactive role and make concerted and coordinated efforts to arrive at some consensus in the proposed meeting with all stakeholders and consequently, the implementation of the assurance under reference be implemented without any further delay.**

#### **D. EPF facilities to Workers of Small Companies**

USQ No. 5600 dated 02.05.2005 regarding EPF Facilities to Workers of Small companies (S.No. 07).

#### **Amendment to EPF and MP Act**

USQ No. 2786 dated 12.12.2005 regarding Amendment in E.P.F. and M.P. Act, 1952 (S.No. 08).

19. In reply to USQ No. 5600 dated 02.05.2005 regarding EPF Facilities to Workers of Small Companies, an assurance was given that the decision of the Government in this regard would be taken at an appropriate time after taking in to consideration the relevant parameters. In its status report, the Committee were informed that a proposal for comprehensive amendment to the EPF & MP Act, 1952 has been received from EPFO and it has been decided that the issue of reducing threshold limit from 20 to 10 employees for coverage be included in the comprehensive amendment of the Act, which is under examination in the Ministry.

20. During the course of evidence, the Secretary of the Ministry stated as under:—

"...there are 20 workers as of now for EPF eligibility. That may be reduced to 10. We have now done Rs. 6500 to Rs 15000, the people are disturbed even then. For bringing it from 20 to 10, we have said a comprehensive proposal will be brought then that will be considered."

Secretary has also added as under:—

"Sir, we will place a comprehensive proposal for EPF and MP Act before the Cabinet in four months. We are taking four months as our consultation process is four weeks, four weeks is like that."

21. When the Committee asked that it should be two weeks instead of four weeks, the Secretary of the Ministry responded as under:—

"It is prescribed four weeks time in website to be given by us. It is the communication of the Cabinet Secretariat."

Secretary further added as under:—

"Sir, it is for public consultation that public are aware, they can send their response so time is four weeks."

Secretary further explained as under:—

"What happens in this that trade unions consult units of the State Governments. What we do upload in website that if we consult together we cannot work out solution that is why we upload in website. Nobody can complain that there is not enough time. Cabinet Secretariat has given four weeks time so four weeks time is given. Thereafter, we receive unions and employers. The Government makes a view after collecting and on that basis we consult legislative which prepares bill for us."

Secretary further clarified as under:—

"...Sir, when we sent to legislative for preparing bill, we do not have direct control over that. That takes time. They have their questions, queries. They say why this has been done. That consultation takes time. I am saying four weeks on the outer side. If you see our Ministry, we are pursuing it proactively and therefore, I have confidence that we can do it because we have discussed this proposal enough so that we have two three rounds of meetings. We can clear it."

### Observations/Recommendations

22. The Committee note that an assurance given to USQ No. 5600 dated 02.05.2005 and USQ No. 2786 dated 12.12.2005 regarding Amendment in Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is pending for the last more than 8 years. The Committee are extremely unhappy with the pace of progress in the matter. In this regard, the Committee were informed that a proposal for comprehensive amendment to the EPF & MP Act, 1952 has been received from EPFO and it has been decided that the issue of reducing threshold limit from 20 to 10 employees for coverage be included in the comprehensive amendment of the Act and the same will be placed before the Cabinet within four months as required under consultation process. The Committee hope that the Ministry will pursue the matter proactively and vigorously with all concerned and that necessary amendments in the Act will be carried out expeditiously so that assurance given in the matter is implemented without further delay.

#### E. Workers' Bank

23. In response to USQ No. 5296 dated 14.05.2007 (S. No. 09) regarding Workers Bank, an assurance was given that the issue has been referred to a committee constituted to examine the feasibility of giving shape to 'Workers Capital Trust' in the Ministry of Labour & Employment.

24. In its status report, the Ministry furnished the following comments on the issue:—

“A Committee constituted under the chairmanship of the then Additional Secretary (L&E) which in its 7th and last meeting held on 05.11.2008, *inter-alia* recommended that the proposal of Workers' Bank is not feasible as creating parallel banking structures is not necessary in view of the administrative costs, guidelines of Reserve Bank of India and other problems such as lack of core competencies.”

25. During the course of evidence, the Secretary stated as under:—

"...In this we are sending a compliance report at the earliest. It is not possible to do it but we will sent its report in two-three weeks. As to how to do this decision, that is being worked out. Enough has been considered because RBI has its own banks. We will run our banks, we do not have the competency."

### Observations/Recommendations

26. The Committee note that an assurance given in response to USQ No. 5296 dated 14.05.2007 regarding Workers' Bank is pending implementation for the last more than 7 years. The Committee note from the status report furnished by the Ministry that the Committee constituted for the purpose under the chairmanship of the then Additional Secretary (L&E) had recommended that the proposal of Workers' Bank is not feasible as creating parallel banking structures is not necessary in view of the administrative costs, guidelines of Reserve Bank of India and other problems such as lack of core competencies. During the evidence of the Committee, the Ministry

**have stated that a compliance report in the matter will be sent very shortly as it is not feasible to set up Workers' Bank for which they do not have the competency. The Committee desire that the report in the matter may be sent to them in furtherance to part implementation of the Assurance.**

#### **F. Modernisation and Upgradation of ITIs**

USQ No. 2052 dated 20.07.2009 regarding Modernisation and Upgradation of ITIs (S. No. 16).

#### **Setting up of New ITIs/ITCs**

USQ No. 1725 dated 08.03.2010 regarding Setting up of New ITIs/ITCs (S. No. 18).

27. In response to aforesaid questions, assurances were given that the Government proposes to set up 1500 new ITI in Public Partnership through out the country. 'In principle' approval from the Planning Commission has been obtained. Detailed Project Report including locational details is under consideration in consultation with various stakeholders. During the course of evidence, the representative of the Ministry stated as under:—

“Sir, S. No. 16 and 18 contain same issue that ITI is to be opened in unserved blocks. The work on the planning of that started in year 2008. It was there that 1500 new ITI and 5000 new skill development centres will be opened in PPP mode. 'In principle' approval of the Planning Commission came in August 2008. Thereafter in August 2010 one draft feasibility report was made which was sent to the Planning Commission. They said that for this purpose you keep provision in 12th Five Year Plan because lot of funds was required for the purpose. In October 2012, the Planning Commission said that its number may be increased from 1500 to 3000 because ITI is more needed. They have also added hostel facility as a result the size of the plan increased too much. This plan became of Rs. 70,000 crore. Its EFC was circulated. On this our Expenditure Department said that it may not be of that much amount but you make it with in the provision made of Rs. 716 crore. Therefore, again a scheme of Rs. 1100 crore was made and sent to the Planning Commission. They said that it is not in accordance with their PPP mode. Thereafter, we are again considering this scheme.”

In this regard, Secretary of the Ministry further explained as under:—

"Sir, their comments came to us in October 2013. Thereafter, I have personally held a meeting with the Adviser of the Planning Commission. They have some valid objections. One of the fundamental principle of PPP is that you bring your ownership land as we have said, this is not correct. In PPP, you take over after certificate that land is ours. We have corrected it. I feel that we could have saved some time, when we have a provision of Rs. 718 crore then at that time sending a proposal of Rs. 70,000 crore was not correct. But sir, some times it happens that we appoint consultants and these consultants make proposals in their way. Presently we have retracted the position. The

position is we have discussed with DEA. There is one viability gap funding. In this they give us 50% amount and we have to give only 50% amount. Therefore, our proposal of Rs. 718 crore, that will become of Rs. 1400 crore. We have talked to them and they have agreed that they will fund 50% and 50% fund will be given by us. For this, a concession agreement, one RPF and one RFQ are required to be prepared. For this we have two schemes. One there is a scheme for setting up of one institute for instructors training in PPP and to set up one ITI in PPP. They have said that first initiate with Instructors Training Institute and the work on Instructors Training Institute is at fag end. In DEA, one sitting of Empowered Group has already been held. For that we are going to issue advertisement very soon. Now we will issue that advertisement. Hope that will have takers because viability gap funding is based on your actual short fall. We have discussed enough with the State Governments. Initially we were saying that we will give Rs. 2 crore. State Governments said that this has no meaning because somewhere viability is Rs. 3 crore, because there is no takers for that because we are going in unserved blocks.

Now we have new Ministry of Skill Development. On 20 September, this work has been shifted to that. Whatever work has been done by us, along with that this work we will shift to them. PPP work of ITI will be done by the Ministry of Skill Development."

#### **Observations/Recommendations**

**28. The Committee note that assurances were given in response to USQ No. 2052 dated 20.07.2009 and USQ No. 1725 dated 08.03.2010 that 1500 new ITIs and 5000 new Skill Development Centres will be opened in PPP mode. The Planning Commission had also given its 'In principle' approval for the purpose in August 2008. Thereafter in August 2010, one draft suitability report was made which was sent to the Planning Commission. The Planning Commission indicated that the funds for the project be sought in the 12th Five Year Plan and also proposed that the number of ITI may be increased from 1500 to 3000 in view of the skilled manpower requirement and to provide hostel facilities in ITI. As a result, the size of the plan increased to Rs. 70000 crore. Its EFC was circulated but the Department of Expenditure informed that EFC may be revised as per approved outlay of Rs. 716 crore. Therefore, again a scheme of Rs. 1100 crore was made and sent to the Planning Commission but they advised that the scheme is not in accordance with PPP mode. Thereafter, the scheme is being further revised. Meanwhile, new Ministry of Skill Development has been created and as informed by the Ministry, the work has been transferred to that Ministry on 20 September, 2014. Notwithstanding the position as explained by the Ministry of Labour and Employment, the fact remains that the implementation of the assurance is still pending. Nevertheless, it is now for the new Ministry of Skill Development to implement the assurances given in the matter provided they have accepted the transfer of assurances from the Ministry of Labour and Employment and in case they do not accept the transfer of assurances then it is obligatory on their to collect the requisite information from the Ministry of Skill Development and implement the assurance without further**

**loss of time. The Committee also feel that since the assurances are originally in the name of Ministry of Labour and Employment, it would be imperative for them to work in tandem with the new Ministry. The Committee would also like the Ministry of Parliamentary Affairs, being the nodal Ministry, to take proactive action and impress upon the new Ministry to implement the assurances without further delay.**

**G. Amendment to Contract Labour Act, 1970**

29. In response to USQ No. 2913 dated 15.03.2010 (Sl.No. 20) regarding Amendment to Contract Labour Act, 1970, an assurance was given that the Government is examining the report submitted by the Tripartite Group on 31.12.2009 and some useful suggestions given in the State's Labour Ministers' conference on 22 January, 2010 are under active examination of the Government.

30. In its status report, the Ministry stated as under:

"A proposal to amend the Contract Labour (Regulation and Abolition) Act, 1970 to safeguard the interests of contract labour further in terms of wages and social security has been examined at various forums after a study conducted by the V.V. Giri National Labour Institute for assessment of impact of the said proposal on the economy and its financial implication. Now it has been decided to further examine the proposal by constitution of a Committee. The Committee under the Chairmanship of Additional Secretary & DGLW was constituted and its last meeting was held on 02.12.2013 in which all recommendations to all points finalised. In the meeting of GOM held on 08.01.2014, it was advised to bring the amendment proposal for consideration of the Cabinet. The draft Cabinet Note has been sent for Inter-Ministerial consultation and copies sent to PMO and Cabinet Secretariat *vide* on 04.02.2014. As per the decision of Inter-Ministerial Committee a Meeting of the Technical committee held on 13.05.2014 to define same and similar work. The draft Cabinet Note examined by finance division of this Ministry. The draft Cabinet Note is now being examined from various angles. The amendment to the Contract Labour (R&A) Act, 1970 has been considered at various fora and the proposal to safeguard the interests of the Contract Labour further in terms of wages and social security is under active consideration of the Government. It will take some more time."

31. During the course of evidence, the Secretary of the Ministry stated as under:

"...There is a proposal that they should get as to what regulars are getting. For this we have prepared a detailed sequence of events. This is going on since 2009. What will be its implication on economy, this has been analysed by V.V. Giri National Labour Institute. This also contained issue of Public Sector Undertakings."

The Secretary further clarified as under:

"...We are constituting an Inter Ministerial Group. But there are difficulties in it. We don't know as to whether we will be able to bring it before Cabinet."

### Observations/Recommendations

32. The Committee note that assurance given in response to USQ No. 2913 dated 15.03.2010 regarding Amendment in Contract Labour Act, 1970 is pending for implementation. A Tripartite Group constituted to examine the provisions in the Contract Labour (Regulation and Abolition) Act, 1970 had submitted its report on 31.12.2009. Some useful suggestions were during the State Labour Minister's Conference on 22.01.2010. In its status report, the Committee were informed that the amendment to the aforesaid Act has been considered at various fora and the proposal to safeguard the interests of the Contract Labour further in terms of wages and social security is under active consideration of the Government. However, it will take some more time before the Act is amended. The Committee are not satisfied with pace of progress in the matter as even after a lapse of more than four years the proposed amendment in the Act are still to be carried out as a result of which the interests of Casual Labours have suffered immensely. The Committee are of the view that the matter may be accorded utmost priority and a status report on the matter be placed on the Table of the House, in furtherance to part implementation of the Assurance.

### III. Implementation Reports

33. During the course of evidence, the Committee were informed that the Ministry have sent Implementation Reports in respect of the following assurances:

- Sl.No. 5 USQ No. 536 dated 22.11.2000 regarding Closure of Industrial Units.
- Sl.No. 10 USQ No. 1258 dated 13.07.2009 regarding Regularisation of Casual and Contract Workers.
- Sl.No. 12 Calling Attention dated 26.02.2009 regarding Need to Re-Examine Employees Provident Fund Pension Scheme.
- Sl.No. 13 SQ No. 121 dated 13.07.2009 (Shri Kishnbhai V. Patel, M.P.) regarding Child Labour.
- Sl.No. 14 SQ No. 121 dated 13.07.2009 (Shri Pradeep Majhi, M.P.) regarding Child Labour.
- Sl.No. 21 USQ No. 3871 dated 19.04.2010 regarding Salary Limit for Provident Fund.
- Sl.No. 22 USQ No. 159 dated 26.07.2010 regarding Swavalamban Scheme.
- Sl.No. 23 SQ No. 302 dated 16.08.2010 regarding Employees Pension.

34. As per the Statements of Ministry of Parliamentary Affairs, all the assurances mentioned at para 33 above except assurance at Sl.No. 14 have been laid on the Table of the House on 10 December, 2014.

NEW DELHI;  
22 December, 2014  
1 Pausa, 1936 (Saka)

DR. RAMESH POKHRIYAL "NISHANK",  
Chairperson,  
Committee on Government Assurances.

**APPENDIX I**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

LOK SABHA UNSTARRED QUESTION NO. 1291

ANSWERED ON 16.11.1987

**Amendment to the Minimum Wages Act**

1291. SHRIMATI PRABHAWATI GUPTA:  
SHRILALITESHWAR PRASAD SHAHI:

Will the Minister of LABOUR be pleased to state:

- (a) whether Government propose to amend the Minimum Wages Act, 1948;
- (b) if so, the details of the amendments to be made in the proposed Act; and
- (c) to what extent the poor labourers will benefit from the proposed legislation?

**ANSWER**

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI P.A. SANGMA): (a), (b) and (c) A number of suggestions have been made for amendment of the Minimum Wages Act, 1948 to make it more effective and provide expeditious relief to the employees covered under the Act. These include *inter-alia*, reviewing the rates of minimum wages at short intervals unless these have variable component of Dearness Allowance, enhancement in the compensation amount, payment of interest in case of non-payment and short-payment of wages, deposit of a part of the claimed amount, restrictions on change in the conditions of service during the pendency of claims proceedings and enhancement of penalties, etc. The proposals for amendment are yet to be finalised.

**APPENDIX II**  
GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
LOK SABHA UNSTARRED QUESTION NO. 3747  
ANSWERED ON 7. 12. 1988

**Amendment to the Minimum Wages Act and the Employees State Insurance Act**

3747. PROF. RAMKRISHNA MORE:

Will the Minister of LABOUR be pleased to state:

- (a) whether Government propose to amend the Minimum Wages Act, 1948 and the Employees State Insurance Act, 1948;
- (b) if so, whether State Governments have also been consulted in this regard;
- (c) if so, the details thereof; and
- (d) when a legislation to this effect is expected to be brought forward?

**ANSWER**

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): (a) Certain proposals for amendment of the Minimum Wages Act, 1948 and Employees' State Insurance Act, 1948 are under consideration.

(b) The State Governments have not been consulted in respect of proposals for amendment to the Employees State Insurance Act, 1948.

(c) and (d) The details are yet to be finalised.

**APPENDIX III**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

LOK SABHA STARRED QUESTION NO. 188

ANSWERED ON 8.3.1989

**Amendment to Minimum Wages Act**

\*188. SHRIM.V.CHANDRASEKHARAMURTHY:  
SHRIV.SREENIVASA PRASAD:

Will the Minister of LABOUR be pleased to state:

(a) whether Government propose to amend the Minimum Wages Act, 1948 in consultation with State Governments;

(b) whether any meeting with the State Labour Ministers was held for the purpose during the past few months; if so, the details thereof; and

(c) the time by which legislation to this effect is expected to be brought forward?

**ANSWER**

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): (a) Yes, Sir.

(b) and (c) The 37th Session of the Labour Ministers' Conference held on the 7th November, 1988 considered the proposals for amendments to the Minimum Wages Act, 1948. These mainly relate to (a) enhancement in penalties, (b) provision of direct access to Courts to the aggrieved employee, registered voluntary organisations or registered trade unions, (c) interim relief and protection against termination, discharge etc. during the pendency of claims proceedings, and (d) reduction in the periodicity of revision of wages without the variable component linked to the Consumer Price Index. The amending Bill will be brought forward as soon as the proposals are finalised.

**APPENDIX IV**  
GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
LOK SABHA UNSTARRED QUESTION NO. 4735  
ANSWERED ON 5.5.1995

**Minimum Wages Act, 1948**

4735. SHRIMATI SHEELA GAUTAM:  
SHRI RAJESH KUMAR:  
SHRI RAMESHWAR PATIDAR:

Will the Minister of LABOUR be pleased to state:

- (a) whether the Union Government have finalised the proposal for amending the Minimum Wages Act, 1948;
- (b) if so, the details thereof; and
- (c) the measures being taken by the Union Government to strengthen the above Act and to increase the wage rates?

**ANSWER**

THE MINISTER OF LABOUR (SHRI P.A. SANGMA): (a) and (b) The proposals to amend the Minimum Wages Act, 1948 are under consideration of the Government.

(c) Under the Minimum Wages Act, 1948, the Central as well as State Governments are the appropriate Governments for the implementation and enforcement of the Act for the scheduled employments under their respective jurisdictions. The Central Government has been impressing upon the State Governments from time to time to take various measures to effectively implement the Act. These include strengthening of the enforcement machinery, revision of minimum wages every two years unless there is a provision of variable dearness allowance linked to Consumer Price Index Numbers, and giving wide publicity to the provisions of the Act. The State Governments have also been requested to fix the minimum wages for the rural workers at not less than Rs. 20/- per day on the basis of prices prevailing during December, 1990 as recommended by the National Commission on Rural Labour.

**APPENDIX V**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

LOK SABHA UNSTARRED QUESTION NO. 536

ANSWERED ON 22.11.2000

**Closure of Industrial Units**

536. SHRI MANI SHANKAR AIYAR:

Will the Minister of LABOUR be pleased to refer to the reply given on 2nd August, 2000 to Unstarred Question No. 1531 and state:

- (a) whether the requisite information has been collected;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) the time by which the said information is likely to be collected?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI MUNI LALL): (a) to (d) The requisite information has to be collected from all the State Governments. The material has been received from the following States/UTs Madhya Pradesh, NCT of Delhi, Gujarat, Punjab, Maharashtra, Haryana, Arunachal Pradesh, Nagaland, Tamil Nadu, Andhra Pradesh, Manipur, Dadra & Nagar Haveli, Goa, Pondicherry, Andaman & Nicobar, Lakshadweep, Mizoram and Chandigarh.

The material from the remaining States/UTs is yet to be received.

Extension of time upto 2.2.2001 has been sought from the Ministry of Parliamentary Affairs to fulfil the assurance given in reply to Unstarred Question No. 1531 dated 2.8.2000.

*ANNEXURE*

Statement Referred in Reply Lok Sabha Unstarred Question of Part A, B and C  
answered on 2.8.2000 Regarding Closure of Industrial Units

STATE-WISE NUMBER OF CLOSURES AND WORKERS AFFECTED DURING  
THE YEAR 1997-99

Name of States	Number of units closed			Number of workers affected		
	Year 1997(P)	Year 1998(P)	Year 1999(P)	Year 1997 (P)	Year 1998(P)	Year 1999(P)
Andhra Pradesh	1	—	2	64	—	114
Arunachal Pradesh	—	—	—	—	—	—
Assam	—	—	1	—	—	21
Bihar	2	4	3	43	219	90
Goa	2	2	4	71	36	163
Gujarat	21	34	14	848	1067	272
Haryana	—	2	2	—	83	187
Himachal Pradesh	—	—	—	—	—	—
Jammu & Kashmir	—	—	—	—	—	—
Karnataka	2	3	3	159	182	2237
Kerala	3	—	9	53	—	293
Madhya Pradesh	2	4	9	2688	274	1552
Maharashtra	7	1	—	207	70	—
Manipur	—	—	—	—	—	—
Meghalaya	—	—	NA	—	—	NA
Mizoram	—	NA	NA	—	NA	NA
Nagaland	—	—	—	—	—	—
Orissa	4	13	5	352	2537	350
Punjab	1	1	51	19	1425	8202
Rajasthan	8	1	5	1469	350	269
Sikkim	—	—	NA	—	—	NA
Tamil Nadu	2	7	2	176	94	630

Name of States	Number of units closed			Number of workers affected		
	Year 1997(P)	Year 1998(P)	Year 1999(P)	Year 1997 (P)	Year 1998(P)	Year 1999(P)
Tripura	55	42	18	3247	742	139
Uttar Pradesh	22	38	3	3003	5190	198
West Bengal	—	—	10	—	—	463
A & N Islands	—	—	NA	—	—	NA
Chandigarh	—	—	3	—	—	75
Dadra & Nagar Haveli	—	—	—	—	—	—
Delhi	2	2	—	192	607	—
Daman & Diu	—	—	—	—	—	—
Lakshadweep	—	NA	—	—	NA	—
Pondicherry	20	21	—	353	510	—

(P) Provisional, NA—Not Available

Labour Bureau, Shimla.

**APPENDIX VI**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR  
LOK SABHA STARRED QUESTION NO. 428  
ANSWERED ON 21.04.2003

**Representation to Workers on Board of Directors**

\*428. SHRI BASUDEB ACHARIA:  
DR. LAXMINARAYAN PANDEYA:

Will the Minister of LABOUR be pleased to state:

(a) whether Government propose to give workers 25% representation in the Board of Directors in the Company;

(b) if so, the details thereof and steps taken so far in this regard;

(c) whether many industrial organisations have opposed this move;

(d) if so, the details thereof; and

(e) the reaction of the Government thereto?

**ANSWER**

THE MINISTER OF LABOUR (SHRI SAHIB SINGH VERMA): (a) to (e) A statement is laid on the Table of the House.

STATEMENT REFERRED TO LOK SABHA STARRED QUESTION NO. 428 DUE  
FOR REPLY ON 21.04.2003 BY SHRI BASUDEB ACHARIA AND  
DR. LAXMINARAYAN PANDEYA, M.P. REGARDING  
REPRESENTATION TO WORKERS ON  
BOARD OF DIRECTORS

(a) and (b) The Government has not taken any decision so far to give workers 25% representation on the Board of Directors in the company;

(c) and (d) Employers' Federation of India, Karnataka Employers' Association, All India Organisation of employers and PHD Chamber of Commerce and Industry among others have expressed the view that the representation of workers on the Board of Directors would be in-appropriate. Some of the main grounds on which they have opposed the representation of workers on the Board of Directors are as follows:—

(a) An arrangement for mutual consultation for enhancing productivity does not require representation of workers on the Board of management.

(ii) Participation on the Board requires high level of expertise and skill.

(iii) The code of corporate governance, as enunciated in the Listing Agreements of Stock Exchanges, requires that at least 50% of the Directors on the Board ought to be independent directors if the company has an Executive Chairman. In all other cases, the number of independent directors should be at least one-third of the total strength of the Board. If the proposed legislation is enacted, then in that event financial stakeholders may not have adequate representation on the Board. This will be not only iniquitous and that will also not represent the rights of the share-holders who are the investors and as such any such amendment as proposed will be iniquitous.

(iv) The TISCO model which has worked for last 50 years excludes decision-making process as well as matters of confidentiality with regard to business decisions.

(v) Pending a decision on the recommendations of Second National Commission on Labour, an isolated decision on the issue may not be correct and proper.

(vi) The measure is likely to affect investment and employment generation.

(vii) It would be too early to implement the participative scheme at Board level without creating an enabling environment.

(viii) There is a stress to bring professionals at the Board level for promoting excellence, and compulsory participation of employees at the Board level irrespective of their qualification and level of understanding would be detrimental to the interest of the company, its employees and the shareholders. No compulsory participation at the Board level should be imposed.

(ix) Keeping in view the role and responsibility of a Director under the Companies Act, the identity of the proposed Board of Management should be kept distinctly separate from the statutory Board of Directors, under the Companies Act.

(e) A view in the matter is yet to be taken.

**APPENDIX VII**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND EMPLOYMENT

LOK SABHA UNSTARRED QUESTION NO. 5600

ANSWERED ON 02.05.2005

**EPF Facilities to Workers of Small Companies**

5600. SHRI KINJARAPU YERRANNAIDU:

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

(a) whether there is any proposal to reduce the requirement of minimum number of workers for coverage under Employees Provident Fund (EPF) Act, 1952 from 20 workers to 10 workers so as to provide EPF facility to workers of small companies/ establishments;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

**ANSWER**

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDERASEKHAR RAO): (a) to (c) A proposal for carrying out amendments to the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 including reduction of minimum employees from 20 to 10 was considered by the Central Board of Trustees (Employees' Provident Fund) in its 157th meeting held on 09.07.2002. The decision of the Government in this regard would be taken at an appropriate time, after taking into consideration the relevant parameters.

**APPENDIX VIII**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND EMPLOYMENT

LOK SABHA UNSTARRED QUESTION NO. 2786

ANSWERED ON 12.12.2005

**Amendment in E.P.F. and M.P. Act, 1952**

2786. SHRI SUBODH MOHITE:

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

(a) whether the Government proposes to enact amendments in Employees' Provident Fund and Miscellaneous Provision Act, 1952 to cover more workers under it;

(b) if so, the details thereof along with the time by which it is likely to be amended;

(c) whether all the offices of Employees' Provident Fund Organization are computerized and online settlement of claims has been started in these offices; and

(d) if not, the time by which these offices are likely to be computerized?

**ANSWER**

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDRASEKHAR RAO): (a) and (b) A comprehensive set of amendments to the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 has been proposed by Central Board of Trustees, Employees' Provident Fund, which is under examination of the Government.

(c) and (d) All the offices of Employees' Provident Fund Organization have been provided with Electronic Data Processing (EDP) centres to undertake limited data processing activities. As regards online settlement, the same has not commenced.

Employees' Provident Fund Organization has embarked upon a modernisation project re-inventing EPF India and integration activities are currently underway to put in place appropriate delivery systems.

**APPENDIX IX**

GOVERNMENT OF INDIA

MINISTRY OF LABOUR AND EMPLOYMENT

LOK SABHA UNSTARRED QUESTION NO. 5296

ANSWERED ON 14.05.2007

**Workers' Bank**

5296. SHRI MILIND MURLI DEORA:

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

(a) whether the Government has agreed to consider a suggestion made at the Indian Labour Conference (ILC) to set up a 'Workers' Bank' where to Employees' Provident Fund (EPF) and other deductions of workers could be deposited for better returns;

(b) if so, the time by which a final decision is likely to be taken up to set up 'Workers' Bank'; and

(c) the amount lying in the EPF and other PF deposits which can be put in 'Workers' Bank' for better returns?

**ANSWER**

THE MINISTER OF STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) to (c) The Central Board of Trustees, Employees' Provident Fund in its 178th meeting held on 27.01.2007 has referred the issue of 'Workers' Bank' to a Committee constituted to examine the feasibility of giving shape to 'Workers' Capital Trust' in the Ministry of Labour and Employment.

**APPENDIX X**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 658  
ANSWERED ON 03.03.2008

**Assistance for Setting up New Industrial Training Institutes**

658. SHRI P. RAJENDRAN:

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

(a) whether the Union Government has received any proposal from various State Governments particularly from the Government of Kerala for financial assistance to set up new Industrial Training Institutes under National Skill Development Mission;

(b) if so, the details thereof along with the action taken by the Union Government in this regard, State and location-wise;

(c) whether any fund has been sanctioned by the Union Government for this purpose; and

(d) if so, the details thereof, State-wise?

**ANSWER**

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES) : (a) & (b) Yes, Sir. Proposals for financial assistance have been received from two States to set up new Industrial Training Institutes (ITIs) under the proposed National Skill Development Mission. This includes setting up of 40 new ITIs in the State of Kerala at a cost of Rs. 214 crore and 105 ITIs in the State of Bihar. However, the setting up of the proposed National Skill Development Mission is still under consideration of the Planning Commission.

(c) and (d) Does not arise.

## **APPENDIX XI**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 1281  
ANSWERED ON 27.10.2008

### **Regularisation of Casual and Contract Workers**

†1281. SHRI BAPU HARI CHAURE:  
SHRI SWADESH CHAKRABORTY:

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

(a) the number of non-muster-roll and casual workers appointed in the Central Government, Public Sector Undertakings during each of the last three years and the current year, separately, State-wise;

(b) the details of minimum wages paid to them;

(c) the mechanism put in place to ensure payment of minimum wages to the contract and casual workers through the labour contractors;

(d) whether the Government has formulated any policy for regularisation of above workers including contract workers; and

(e) if so, the details thereof and if not, the reasons therefor?

### **ANSWER**

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) to (e) The information is being collected and will be laid on the Table of the House.

## APPENDIX XII

CALLING ATTENTION Dated: 26.02.2009

### **Need to re-examine Employees' Provident Fund Pension Scheme**

#### **1212 hours**

SHRI MOHAN SINGH (Deoria): Sir, I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and request that he may make a statement thereon:

“Need to re-examine the Employees’ Provident Fund Pension Scheme implemented from 16.11.1995 in the light of recommendations of the 6th Pay Commission.”

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Sir, the question of amendment in Employees' Pension Scheme 1995 (EPS '95) in the wake of 6th Central Pay Commission Report does not arise because the two are not related. Central Pay Commission's recommendations apply to Government servants who are not covered under the EPS '95. Hence, revision of pension on recommendations of the Central Pay Commission will require no amendment in the EPS '95.

2. The Employees' Pension Scheme, 1995, a Scheme under Employee's Provident Funds & Miscellaneous Provisions Act, 1952, has been conceived as a Defined Benefit Social Insurance Scheme formulated following actuarial principles for ensuring long term financial sustenance. It is financed through contribution from the employers at the rate of 8.33 percent of the wages of employees and the Central Government, also contributes 1.1/6% of the wages of the employees. Any increase in the amount of pensionary benefit depends on the financial position of Pension Fund. The quantum of pension to members of EPS '95 is actuarially calculated in accordance with the provisions of the Scheme. To review the rates of contributions and quantum of the pension and other benefits, paragraph 32 of the Scheme provides for annual valuation of the Pension Fund. The first four valuations had revealed a surplus, which resulted in the grant of four additional reliefs. However, the next four valuations did not reveal any surplus and hence the grant of additional relief had not been possible.

3. The pension under EPS '95 is directly related to pensionable salary and length of service and superannuation at the age of 58. Low salary and low length of service and option for early pension are the main factors for very low pension amount under EPS '95.

4. The exercise for valuation of Pension Fund is on and the decision on altering the benefits will be taken based on the results of the valuation.

5. A Sub-Committee under the Chairmanship of Special Secretary (L&E) comprising of representatives of Employers and Employees has been constituted to review the entire Scheme.

6. There is a standing Sub-Committee, namely-Pension Implementation Committee under the Central Board of Trustees (EPF) comprising, *inter alia*, two representatives each of employers and employees to review the functioning of Employees' Pension Scheme and to consider the suggestions/proposals for amendment/improvement in the Scheme.

SHRI MOHAN SINGH: Mr. Speaker, Sir, I have never requested that the pension of employees getting pension under provident fund and pension scheme may be enhanced under the same rule under which salaries and pension of Central and State Governments regular employees have been increased after recommendation of the Sixth Pay Commission. My intension was that it forms a base; if there is any type of enhancement in pay and pension of other employees, then these lakhs of employees who are getting pension under other scheme, may be benefited likewise by the Government, it is injustice to them if the Government does not do so. Employees Provident Fund Pension Scheme was introduced in the year 1995 so as to benefit the employees working in private and semi-Government sector. For this purpose a fund scheme has been introduced in which a provision was made that the employee would contribute 8.33 percent from his salary and the Government would make a contribution of 1.1/6 percent. It was also provided that they would be given relief as per our economic position after making an assessment of the said scheme. As the Government has said that this relief was given to them four times but evaluation of those four times show that the economic position is so bad that this relief cannot be given.

Mr. Speaker Sir, I would like to urge the Government through you that in my view it is an insult to an old person retired employee if he is given a pension of Rs. 260, 300, 350 and 400. The Government should consider it seriously. I would like to request hon'ble Minister that Government should enhance its contribution from 1.1/6 percent to 5 percent. My second request is about the employer's contribution which is not being collected on a large scale. In the present scenario there must be some legal provision to ensure contribution of the employer. Thirdly, we have made changes in all the Trade Union Acts under the new economic policies and now closure of factories, voluntary retirement and compulsory retirement have become a common feature. Under this Act an employee is entitled for pension after attaining the age of 58 years and his pension is decided on the basis of his lifetime earnings. There are lakhs of employees who get pension of Rs. 250-300 only. The Government runs an old age pension scheme under which there is provision of minimum Rs. 400/- as pension. You have a pension scheme in which per month Rs. 250/- are given. I think it is illogical and biased. You should try to minimize the difference between such pensions. Therefore, I would like to request the hon'ble Minister that the minimum and maximum pension of such employees should be Rs. 1,000/- and Rs. 5,000/-. To fulfil this objective there is a need to increase rate of interest in respect of Provident Fund and the Government's contribution should

also be increased and rules regarding 58 years for retirement benefits should not be applied to those employees who have retired voluntarily or compulsorily or because of company closure and the method of their service assessment may also be amended and in every way their service may be considered as 30 years.

Mr. Speaker, Sir, the pension should be fixed on that basis. I would like to submit my last point that the pension should also be clubbed with dearness and provisions should be made by the Government to increase their pension by incorporating the word 'dearness' in place of 'assessment'. I would like to know from hon'ble Minister as to what steps the Government would like to take on my suggestions?

PROF. M. RAMADASS (Pondicherry): Sir, I would like to associate with him.

MR. SPEAKER: Prof. Ramadass, you cannot associate in a Calling Attention.

...(Interruptions)

MR. SPEAKER: Please listen to me. I have got some names.

...(Interruptions)

PROF. M. RAMADASS: Sir, permit me for two minutes.

MR. SPEAKER: Prof. Ramadass, this is not a matter of right.

PROF. M. RAMADASS: Sir, I am only making a request to you.

MR. SPEAKER: It is all right. Please let me tell you as to what is the position. You have not given any notice. The hon. Member, Shri Mohan Singh, gave a notice. He has been given an opportunity although it is the last day. I have allowed it because the matter is important. The question is that a maximum of five names can be allowed. That is the rule. That depends on my discretion and it is not a matter of right. I have got six more names and I will call four more hon. Members, if they assure me that they will only put the questions. There should not be any preface. If all of you are agreeable then I will do it.

Shri Basu Deb Acharia. If you are keeping quiet, then you are agreeing to my proposal.

SHRI BASU DEB ACHARIA (Bankura): Sir, I always agree with your proposal.

MR. SPEAKER: Shri Acharia, please put only question.

SHRI BASU DEB ACHARIA: I would like to know from the hon. Minister that in view of the increase in the prices of almost all the essential commodities and the revision of pension that was done long back only for once, and in view of increase in the wages of the Central Government employees, the Central Government pensioners as well as the State Government pensioners, whether the hon. Minister will consider of not going through the valuation process because it will take time, and whether the Government will take a decision to revise the rate of pension which is not being paid to the retired employees under Employees Pension Scheme, 1995 so that they may survive. It is because they are getting a very small amount. I would like to know whether he will consider revising or raising the pension which is now being paid under the scheme.

MR. SPEAKER: Prof. Rasa Singh Rawat, only one question please.

PROF. RASA SINGH RAWAT (Ajmer): Hon'ble Speaker, Sir, you have always been fighting and struggling for the cause of labourers throughout your life. Therefore, I need your protection. I will ask question after completing my point within one minute.

MR. SPEAKER: All right.

I am very aggressive about Rajasthan.

PROF. RASA SINGH RAWAT: Hon'ble Speaker, Sir, Ministry of Labour, Government of India had implemented pension scheme on 1.4.1994 in favour of various factory workers, small industries workers, mine workers, wool and Bidi workers.

MR. SPEAKER: How many pages do you have?

PROF. RASA SINGH RAWAT: Sir, now it is very hard to survive for a labourer who works hard throughout his life. Therefore, I would like to request the Government, through you, that when the Union Government and State Governments have implemented Sixth Pay Commission and the employees and pensioners are also getting its benefits, why the members of provident fund organization who are getting the benefits of the scheme 1995, are being deprived of its benefits? Therefore, keeping in view the present scenario, hard conditions of their survival, price rise, I would like to know from the Government through you whether the Government is going to enhance the pension of pensioners who are getting it from Provident Fund and benefit them by increasing the amount of pension to atleast Rs. 1000/- and prove itself to be a welfare State.

MR. SPEAKER: Please put only one question.

DR. K.S. MANOJ (Alleppey): Sir, those who have opted for the EPF pension have not received any increment. As the hon. Minister has rightly said, they have been given only four reliefs. In answer to my question, the hon. Minister said that the amount of accumulated pension in the EPF Fund is Rs. 80,776.22 crore. Up to 2006, only Rs. 14,578.58 crore were disbursed. The rest is remaining with the EPF Fund. Still, the actuarial evaluation shows that there is deficit in the EPF Fund. I think there is some discrepancy in the actuarial evaluation. On the basis of the actuarial evaluation of the EPF Fund, they are not given benefits.

Next, commutation of the EPF Pension was given. After 100 months, they were not given the initial amount. So, I would like to know from the hon. Minister one thing. Will those, who have opted for the EPF Fund, be given the initial amount?...*(Interruptions)*

MR. SPEAKER: Shri Gurudas Dasgupta. You gave your notice at 11.07 hours only.

SHRI GURUDAS DASGUPTA (Panskura): I am highly obliged to you, Sir.

MR. SPEAKER: Obligated for giving notice late? All right, in view of the importance of the matter and your commitment, only one question is allowed.

SHRI GURUDAS DASGUPTA: I will put my question. In just one minute, I will preface it.

I am seriously contesting the statement of the hon. Minister that the Fund does not permit increase in the pension of the entitled people. I am seriously contesting it because the actuarial evaluation is different. It is not only that. He was speaking of the *aam admi*. Why can it not be supplemented by having additional allocation from the Government Budget? Mr. Minister, you are speaking of the *aam admi*. Keeping this in view, my question is: Will you take up the matter with the Government, with the Finance Ministry for having additional allocation to supplement the Scheme so that the corpus is increased to give increased pension particularly to those who are getting pension in the name only. This is the first question. *...(Interruptions)*

MR. SPEAKER: No more question is allowed. I am sorry. It is enough. You have put your question.

*...(Interruptions)*

MR. SPEAKER: I have no pension and nothing much. I have to survive!

*...(Interruptions)*

SHRI P.C. THOMAS (Muvattupuzha): I have also given a notice.

MR. SPEAKER: Why I mention about the time is this. I want your conscience to be troubled. It was given at 11.45

*...(Interruptions)*

MR. SPEAKER: You gave it at 12.14 hours. You want to take an undue advantage because you have given a notice. I have been requested by him. I like him very much. He said: "Sir, be liberal today."

*...(Interruptions)*

MR. SPEAKER: Prof. M. Ramadass.

*...(Interruptions)*

MR. SPEAKER: He has not even given any notice. Do not do this in the next House if you are elected.

PROF. M. RAMADASS (Pondicherry): Sir, wish me that I come back again.

MR. SPEAKER: I wish you all the best.

PROF. M. RAMADASS: Thank you, Sir.

In view of the fact that the rate of pension fixed in 1995 has not been periodically revised as in the case of workers in the organized sectors like the Government sector and the consequent economic sufferings to the working class, will the hon. Minister immediately order for the revision of pension and save the seven crore uncared for workers in the country? I would like to know whether the pension rate and the quantum of pension will be linked to the inflationary pressures in the economy instead of taking the valuation process.

MR. SPEAKER: Although he did not listen to me that day when he was here, I have allowed him.

SHRI P.C. THOMAS: In view of the difficulties which have been mentioned, I would submit that some interim relief must be immediately declared because they are in real difficulties. Our elders and senior citizens are only getting a very paltry amount. The figures have been mentioned by you with regard to the Fund. Though there is enormous fund, they are not getting it. My question is this. I would like to know whether you would declare any interim relief as well as hike in pension, the minimum pension and the pension as already submitted by the concerned.

MR. SPEAKER: I will allow two more Members. The first is Shri Suravaram Sudhakar Reddy. His leader has put a very elaborate question.

SHRI SURAVARAM SUDHAKAR REDDY (Nalgonda): Mr. Speaker, Sir, the Employees Provident Fund Pension Scheme is an excellent scheme where more than 3.56 crore workers or their family survivors are getting pension. The ESI and EPFO were having the same income parameters earlier. Now, the ESI has increased it to Rs. 10,000 whereas the EPFO has not increased and still the old scheme is continuing.

MR. SPEAKER: Just put the question please. This is not the way to do it.

SHRI SURAVARAM SUDHAKAR REDDY: It has been proposed to increase it to Rs. 15,000 by the trade unions and also by the Standing Committee. So, I would like to know from the Minister whether any such proposal is there to increase the income parameter for the EPFO pensioners.

SHRI G. VENKATSWAMY (Peddapalli): Sir, not a single name was called from Congress side.

MR. SPEAKER: You did not raise your hand.

SHRI G. VENKATSWAMY: I had raised my hand.

MR. SPEAKER: Silently, then you will get a chance.

Calling Attention rules are very clear, I do not know whether it is justified or not, but I am allowing all breach of rules today. Therefore, I have called you today. Now I am going to call him also.

SHRI BRAJA KISHORE TRIPATHY (Puri): Thank you, hon. Speaker, Sir. Employees Provident Fund, Gratuity and Pension are considered to be deferred wages. It has been interpreted by the Apex Court also that these are considered deferred wages. Considering these as deferred wages and also since this scheme had been implemented 14 years back, I would like to know whether the Government will consider to revise the EPF, Gratuity and other amenities that are available to the employees.

SHRI G. VENKATSWAMY: Hon'ble Speaker, Sir, the purpose of pension scheme was to make a retired employees financially independent. So that he could lead at least his/her life easily. Therefore, pension scheme had been brought for organized and unorganized class as well as for working class. I had launched this scheme when I was Labour Minister. Now I feel very sad when it is being implemented. We had made a

provision for the spouse, if the labourer dies after his retirement. I would like to know from the hon'ble Minister how many spouses/wives of the working class, labourers are getting benefit of this scheme after death of the labourer. We had included their children also in it. It is also not being implemented. Sir, I am really very sad as the scheme we had started is not being implemented as it is.

SHRI OSCAR FERNANDES: Mr. Speaker, Sir, in the first place I would like to thank Shri Mohan Singh who has initiated this discussion and all the other hon. Members for raising a very important issue which concerns the workers of our country, especially the, low-paid workers in the country. I appreciate the concern expressed by the Members.

Sir, as I have already stated in my statement, we are reviewing the scheme. We have asked the members of the Committee to give their suggestions as to how we can increase the corpus. This is number one. As it is we have lost a lot of money amounting to about Rs. 40,000 crore and one of the reasons for this is that commutation is permitted.

The employees are having Provident Fund, Gratuity and also when it comes to the commutation of pension, a major portion is lost. I would like to submit that one of the reasons why workers are getting low pension is that they commute the pension benefit when they retire and ultimately there is nothing left. Finally, the charge is that they are getting a less amount as pension. So, we have now decided, though there is a difference of opinion—the workers have a different opinion and the management is having a different opinion to stop commutation so that when they are getting Provident Fund and Gratuity, at least they will have a higher level of pension to be paid in their old age. This is one measure that we have taken.

The second thing is that we have asked our own members, if we have to increase the pension, the Government's contribution has to be increased. If we have to increase the pension, the employers' contribution has to be increased. Shri Mohan Singh has made a valuable suggestion that you increase the contribution. This discussion is on.

SHRI GURUDAS DASGUPTA (Panskura): What about Government allocation?

SHRI OSCAR FERNANDES: My senior is very much here who had brought in the scheme and he has even talked about giving pension to the family members which is happening. There may be lapses. But the family members are getting the pension, there children are getting the pension. There may be cases where there are lapses, I am not saying that. But the scheme as it is there.

One of the reasons why again the member is getting less is that after the death of the member his family members are getting and after his wife dies, again the children are getting. But that much resource is not there in our Fund to give it down the line to the second generation also or the third person. So, it is given to the husband, rather the employee, then his wife and then to the children. This is a very long thing that is happening and there is a shortage in the Fund.

But the dialogue is on. We have formed a committee under the chairmanship of Special Secretary to find ways and means as to how to find a solution to this problem.

We are also talking to the employers whether they can increase their share of the contribution in which case, the Government's part could also be discussed and we can come to a conclusion.

SHRI GURUDAS DASGUPTA: I thank the hon. Minister for this.

PROF. RASA SINGH RAWAT: Please give some assurance ....(*Interruptions*)  
Will you not make some increase?

SHRI OSCAR FERNANDES: I will not say anything at this stage. Two committees are going into this matter and after we get their recommendations, we will be able to take a decision. I thank the hon. Members for sharing their concern in this House. Thank you very much.

**APPENDICES XIII AND XIV**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA STARRED QUESTION NO. 121  
ANSWERED ON 13.07.2009

**Child Labour**

\*121. SHRI PRADEEP MAJHI:  
SHRI KISHNBHAI V. PATEL:

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

- (a) whether the number of children engaged as child labour in the country is on the rise despite the efforts being made by the Government to eliminate child labour in any form;
- (b) if so, the reasons therefor; and
- (c) The steps taken by the Government to check the problem of child labour?

**ANSWER**

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (c) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 121 FOR ANSWER ON 13.07.2009 REGARDING CHILD LABOUR BY SHRI PRADEEP MAJHI AND SHRI KISHNBHAI V. PATEL

(a) to (c) Data on nationwide number of Child Labour is provided under the National Census operation. As per the last Census of 2001, the number of working children in the age group of 5-14 years was 1.26 crore in the country out of which about 12 lakhs were working in hazardous occupations/processes. Any increase or decrease in the figures will be available after the next Census. However, the Government of India has taken various steps for addressing the issue of Child Labour. The Child Labour (Prohibition & Regulation) Act, 1986, prohibits the employment of children below the age of 14 years in 16 occupations and 65 processes including as domestic labour and workers in dhabas. The law provides for action against the violators under the Act. State Governments are the appropriate Government for Implementation of the provisions of the Child Labour (Prohibition & Regulation) Act, 1986 for the Areas coming under their jurisdiction.

Government is also implementing the National Child Labour Project Scheme in 271 districts in the country for rehabilitation of children withdrawn from work. Under the Scheme, children withdrawn from work are admitted into Special Schools where they are provided accelerated bridging education, vocational training, stipend, nutrition

and health care facilities etc. Approximately, 9800 Special Schools have been sanctioned with the enrollment of 5.00 lakh children and about 5.21 lakh children have been mainstreamed into the formal education system since inception of the NCLP Scheme in 1988. Adopting a holistic approach, the Government is also taking pro-active measures for economic upliftment of their families through convergence with various developmental and poverty alleviation programmes/schemes of other Ministries. Awareness campaigns on the ills of child labour are run from time to time. The Government is also collaborating with International Organizations such as ILO to address the problem of child labour.

MADAM SPEAKER: Q. No. 121. Shri Pradeep Majhi.

...(Interruptions)

SHRI PRADEEP MAJHI (Nabarangpur): Q. No. 121 ...(Interruptions)

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): A statement is laid on the Table of the House...(Interruptions)

MADAM SPEAKER: Please sit down.

...(Interruptions)

MADAM SPEAKER: Hon. Members, please take your seats. I will allow this during the 'Zero Hour'. Please let the Question Hour to continue.

...(Interruptions)

SHRI JAGDISH THAKOR (Patan): Cong. MLAs have been attacked in Gujarat. ...(Interruptions) MLAs of congress party are being assaulted.

...(Interruptions) An attack has been made on the MLAs of congress party. ...(Interruptions)

MADAM SPEAKER: Please raise this issue during Zero Hour.

...(Interruptions)

SHRI JAGDAMBIKA PAL (Domariyaganj): Those who are in power. ...(Interruptions)

MADAM SPEAKER: Please raise this issue during zero hour.

SHRI PRADEEP MAJHI: Q. No. 121.

SHRI MALLIKARJUN KHARGE: A statement is laid on the Table of the House.

SHRI PRADEEP MAJHI: Madam Speaker, the Government of India has constituted a Central Monitoring and Implementation Committee of the Child Labour (Prohibition and Regulation), Act 1986. The Parliament has already passed the Right to Education Bill. Then why has the Government of India has not signed the Article 182 of the ILO?

SHRI MALLIKARJUN KHARGE: Madam Speaker, the Government of India examined the pros and cons of the Resolution Nos. 182 and 183. We are at it and we are

considering it. As soon as the opinion is formed, definitely, we would try to push it forward.

**SHRI PRADEEP MAJHI:** Madam Speaker, it is really a serious issue. As per the evaluation conducted by the Government of India, the NCLP scheme suffering due to insufficient funds for vocational training, lack of awareness generation, infrastructure and non-convergence at school end. If so, what steps the Government of India has taken for successful implementation of NCLP?

**SHRI MALLIKARJUN KHARGE:** Madam Speaker, I do agree that there are insufficient funds for this programme. But this time, we are trying to approach once again the Planning Commission. In the meanwhile, we are getting more funds under various other schemes, such as Sarva Shiksha Abhiyan. There are some income-generating programmes also like the NREGA. There are schemes going on even in the urban areas. All these programmes would contribute the help the children to come to schools, to come to the mainstream.

As the hon. Member rightly pointed out though there is a shortage of funds in the NCLP scheme, yet there are other schemes going on where the Government of India has provided sufficient funds. I think, in the coming years, it is definitely going to help more and more children to come to schools.

**SHRI KISHANBHAI V. PATEL:** Madam Speaker, today 4.5 crore children are in less than 5 years of age in our country. Today's India belongs to the youth, but, unfortunately nearly 1.3 crore children in this young India are working as child labourers. Even the steps taken by the Government have not been successful in eliminating this ill practice. Even today crores of children are working as child labourers in various sectors.

Madam speaker, whether on the lines of ISI certificate issued by the Government for good quality product, does the Government propose to issue certificate declaring that child labour has not been used in the manufacturing of products its factory. Will the Government issue such a certificate for all the products? If so, what are the steps taken in this regard and if not, the reason therefor?

**SHRI MALLIKARJUN KHARGE:** As on today, the child labour population is, according to 2001 census, 1.26 crores. Out of that, the number of children working in the hazardous occupations is nearly 12 lakhs. So, the Government is trying to improve the conditions. Also, the Government is taking so many steps, particularly, we have started nearly 10,000 schools, and in that, a number of children are taking admission. Apart from that, some of the States have also shown interest like Andhra Pradesh and other States where the child labour population is decreasing. Definitely, I will examine the proposal which the hon. Member has said.

**SHRI VIRENDRA KUMAR (Tikamgarh):** Madam speaker, the Hon'ble Minister in his reply has stated that as per the census of 2001, the number of child labour in the age group of 5—14 years is 1.2 crore out of which about 12 lakh children are working in hazardous industries. Through you, I would like to know from the Hon'ble Minister the number of child labourers working in glass industries in Firozabad and the heat in

centigrade's under which they have to work and how it is adversely affecting their health. How many child labourers have been rescued from this industry and efforts made for their rehabilitation? ...(*Interruptions*)

MADAM SPEAKER: Please raise only one question.

SHRI VIRENDRA KUMAR: What kind of action has been taken against all those manufacturers who have employed such child labourers?

SHRI MALLIKARJUN KHARGE: He has not asked a specific question on that. This is a general question. If he wants special information regarding how many children are working in Firozabad glass industries, I can give him the information.

MADAM SPEAKER: You can send him the details.

SHRI VIRENDRA KUMAR: This specific question is related to this. Glass Industry is a hazardous industry and a large number of child labourers are working in that. The Hon'ble Minister does not know about it. ...(*Interruptions*)

MADAM SPEAKER: Your time is over. Shri Tufani Saroj.

SHRI TUFANI SAROJ (Machhlishahar): Hon'ble Madam, Speaker even today people in villages send their children for labour due to poverty and to earn a living because they are poor and they have to feed themselves. In spite of enactment of all kinds of child labour laws people send their children for labour. Through you, I would like to know from the Hon'ble Minister as to any United Nations Convention has been signed to check child labour? If so, what are the details of the aforesaid convention?

SHRI MALLIKARJUN KHARGE: The Question asked by the Hon'ble Member is not related to this. ...(*Interruptions*)

MADAM SPEAKER: You let him reply.

...(*Interruptions*)

SHRI MALLIKARJUN KHARGE: The Hon'ble Member has asked about the United Nations Resolution, which is not related to this question. But, I agree that a number of children do not go to school to get education because there is a lot of poverty, illiteracy and disparity. Therefore, the Union Government is trying to help the people through a number of schemes. ...(*Interruptions*) We are taking all possible steps to increase the income of people and through NREGA and other schemes, to bring children to schools. This will help to a great extent. The number of child labour is decreasing and not increasing and there has been a drop in the same.

SHRI SHARAD YADAV (Madhepura): Hon'ble speaker madam, handicraft is a major strength of our country.\* handicraft is a major industry of the place Kharge Sahib belongs to knowing weaving, wood work, carpet making and learning music is also a kind of education. I have been the Minister of textile. A person learns handicraft in his childhood. Mahatmaji himself was a craftsman. This is a major strength of our country. You are comparing everything with child Labour. I would like to request that the Hon'ble Minister should call a meeting to have an extensive discussion on this. The craftsmen who were the backbone of our freedom struggle, could only have been

educated in their childhood. If Pandit Ravi Shankar had not learnt music in his childhood, he would not have been such a great musician. Through you I would like to know as to whether in view of the present condition of the will you call a meeting and find a way so that these could become skilled craftsmen. Will you take any initiative on this or not?

SHRI MALLIKARJUN KHARGE: We will call all the Hon'ble Members to discuss all the suggestions given by you. I am willing to consider justified suggestions. If anything helps the society then we will definitely think about that.

SHRI BAIJAYANT PANDA: Madam Speaker, the hon. Minister's answer tabled mentions the incentives to draw child labour back into the mainstream but it does not talk of any punitive measures. It speaks of the State Government's responsibilities but it has not mentioned anything about the Central Government's responsibilities. I would like to remind the hon. Minister that several years ago there used to be frequent mentions in the media about raids conducted to highlight areas where children were being forced into labour and to rescue them.

I would to ask the hon. Minister whether the Act provides for the Central Government to have any such Cell which will regularly conduct raids to rescue children and if not will you consider introducing the same.

SHRI MALLIKARJUN KHARGE: It is the responsibility of the States and we implement it through the States only. The State Government also monitor it. If any specific complaint is received from anywhere, then the officials of the Government of India also visit the place and take stock of the situation. The Union Government also helps solve such problems.

**APPENDIX XV**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 1258  
ANSWERED ON 13.07.2009

**Regularisation of Casual and Contract Workers**

1258. SHRI YASHBANT N.S. LAGURI:  
SHRI MANSUKH BHAI D. VASAVA:

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

(a) the number of non-muster roll and casual workers appointed in the Central Government, Public Sector Undertakings during each of the last three years, and the current year, separately, State-wise;

(b) the details of minimum wages paid to them;

(c) the mechanism put in place to ensure payment of minimum wages to the contract and casual workers through the labour contractors;

(d) whether the Government has formulated any policy for regularisation of above workers including contract workers; and

(e) if so, the details thereof and if not, the reasons therefor?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (e) The information is being collected and will be laid on the Table of the House.

## APPENDIX XVI

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 2052  
ANSWERED ON 20.07.2009

### Modernisation and Upgradation of ITIs

2052. DR. RAGHUVANSH PRASAD SINGH:

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

- (a) the number of Industrial Training Institutes (ITIs) modernised and upgraded in the country during each of the last three years and the current year, State-wise;
- (b) the number of persons trained during the said period therefrom, State-wise;
- (c) whether the Government proposes to set up more ITIs during Eleventh Plan Period; and
- (d) if so, the details thereof, State-wise and location-wise?

### ANSWER

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) 1000 ITIs have been taken up for upgradation during the last three years, out of which 400 are under the World Bank assisted Vocational Training Improvement Project and 600 under the scheme of upgradation of 1396 ITIs through Public Private Partnership, State-wise details are enclosed as Annexure I. In the current year 300 ITIs are proposed to be taken up for modernisation and upgradation under the scheme of upgradation of 1396 ITIs through Public Private Partnership.

The total number of trainees trained during each of the last three years will depend upon the number of trade unit located therein. Under the scheme trade sector is taken up for upgradation which normally admits 100 trainees per annum per trade sector.

(c) Yes, Madam.

(d) Government proposes to set up 1500 new ITIs in Public Private Partnership throughout the country. 'In principle' approval from the Planning Commission has been obtained. Detailed Project Report including locational details is under preparation in consultation with various stakeholders.

**ANNEXURE**

**STATE-WISE ALLOCATION—UPGRADATION OF 400 ITIS UNDER WORLD BANK ASSISTED VOCATIONAL TRAINING IMPROVEMENT PROJECT (VTIP) AND 600 ITIS UNDER THE SCHEME ‘UPGRADATION OF 1396 GOVERNMENT ITIS THROUGH PUBLIC PRIVATE PARTNERSHIP (PPP)’**

Sl. No.	States/UTs	No. of ITIs under World Bank assisted Vocational Training Improvement Project (VTIP)			No. of ITIs under Public Private Partnership		Grand Total
		ITIs taken up for upgradation in 06-07	ITIs taken up for upgradation in 07-08	ITIs taken up for upgradation in 08-09	ITIs taken up for upgradation in 07-08	ITIs taken up for upgradation in 08-09	
1.	Andhra Pradesh	5	7	13	20	36	81
2.	Andaman & Nicobar Islands			1			1
3.	Arunachal Pradesh		1		1	1	3
4.	Assam	4	3		6	5	18
5.	Bihar	2	4	2	4	4	16
6.	Chhattisgarh	4	6	8	12	10	40
7.	D & N Haveli					1	1
8.	Daman & Diu			1			1
9.	Delhi	1	1	1		2	5
10.	Goa	1	1	5			7
11.	Gujarat	15	14		19	22	70
12.	Haryana	5	6	5	13	13	42
13.	Himachal Pradesh	1	7	3	9	11	31
14.	Jammu & Kashmir	2	3	5	6	5	21
15.	Jharkhand	1		2	2	2	7
16.	Karnataka	6	10	14	26	26	82
17.	Kerala	3	1	3	5	5	17
18.	Lakshadweep		1				1
19.	Madhya Pradesh	7	9	12	21	16	65
20.	Maharashtra	15	30	42	62	55	204
21.	Manipur		1	1			2
22.	Meghalaya			1			1
23.	Mizoram		1			2	3
24.	Nagaland			1		1	2
25.	Orissa	4	1	4	4	3	16
26.	Puducherry		1				1
27.	Punjab	2	13	12	20	19	66
28.	Rajasthan	5	5		17	15	42
29.	Sikkim	1	0				1
30.	Tamil Nadu	5	6	6	12	5	34
31.	Tripura		1		1	1	3
32.	Uttar Pradesh	7	7	2	25	18	59
33.	Uttarakhand	1	5	4	10	10	30
34.	West Bengal	3	5	2	4	12	26
35.	Chandigarh				1		1
Total (Year-wise)		100	150	150	300	300	
Total (Scheme-wise)			400			600	1000

**APPENDIX XVII**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 1657  
ANSWERED ON 30.11.2009

**Regularisation of Casual/Contract Workers**

1657. SHRI P. KUMAR:

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

- (a) the number of non-muster-roll and casual workers appointed in the Central Government, Public Sector Undertakings during each of the last three years and the current year, separately, State-wise;
- (b) the details of minimum wages paid to them;
- (c) the mechanism put in place to ensure payment of minimum wages to the contract and casual workers through the labour contractors;
- (d) whether the Government has formulated any policy for regularisation of above workers including contract workers; and
- (e) if so, the details thereof and if not, the reasons therefor?

**Answer**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (e) The information is being collected and will be laid on the Table of the House.

**APPENDIX XVIII**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 1725  
ANSWERED ON 8.3.2010

**Setting up of New ITIs/ITCs**

1725. SHRI KODIKKUNNIL SURESH:  
SHRI G.M. SIDDESHWARA:  
SHRI ANJAN KUMAR M. YADAV:

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

(a) whether the Union Government has received proposals from various State Governments for setting up of new Industrial Training Institutes/Centers (ITIs/ITCs) in the State.

(b) if so, the details thereof and the present status of the proposals along with the financial assistance sought by State Governments from Union Government for the purpose, State-wise;

(c) the total intake capacity along with the number of girls and boys enrolled under general and reserved categories by each ITIs/ITCs during each of the last three years and the current year, separately, State-wise and category-wise;

(d) whether the Union Government has set up or proposes to set up new ITIs/ITCs in the country; and

(e) if so, the details and locations thereof along with the funds allocated and released during each of last three years and the current year for the purpose, State-wise?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (e) Setting up of 1500 new ITIs in Public Private Partnership (PPP) in the country has been taken up by the Union Government under a project titled "Kaushal Vikas Yojana". The State Governments have been requested to identify locations where free of cost land with basic amenities such as road, power, water supply and communication facility, etc. are available. Responses from State Governments received for setting up of these ITIs in PPP are enclosed at Annexure I. However final decision on the number of ITIs and their locations in a State has not been taken. Detailed project report is under preparation.

No funds have been released so far.

As regards ITCs, these are set up under the private sector by individual organisation(s) and these individuals are free to set up ITCs as per their choice of trade and location. However for affiliation to National Council for Vocational Training (NCVT), these ITCs have to follow prescribed norms. Number of ITIs/ITCs in the country is given in Annexure II.

As ITIs/ITCs function under the administrative control of respective State/UT Government, enrolment data is not maintained centrally. However, year-wise and State-wise details of seating capacity for 2006-07, 2007-08, 2008-09 and 2009-10 (upto 31.01.2010) are enclosed at Annexure II.

## ANNEXURE I

Sl. No.	State	Un-Service blocks	No. of institutes sought by the State	Remarks
1.	A & N Islands	4	0	
2.	Andhra Pradesh	102	142	
3.	Arunachal Pradesh	79	5	
4.	Assam	200	4	
5.	Bihar	467	105	
6.	Chandigarh	0	0	
7.	Chhattisgarh	69	70	
8.	D & N Haveli	0	0	
9.	Daman & Diu	0	0	
10.	Delhi	0	0	
11.	Goa	1	0	
12.	Gujarat	47	68	
13.	Haryana	90	22	
14.	Himachal Pradesh	6	6	
15.	Jammu & Kashmir	37	50	—
16.	Jharkhand	182	0	—
17.	Karnataka	9	100	—
18.	Kerala	43	18	—
19.	Lakshadweep	1	0	—
20.	Madhya Pradesh	199	110	—
21.	Maharashtra	0	0	—
22.	Manipur	19	10	—
23.	Meghalaya	29	17	—
24.	Mizoram	19	8	—
25.	Nagaland	44	5	—
26.	Orissa	174	131	—
27.	Puducherry	0	1	—
28.	Punjab	43	74	—
29.	Rajasthan	122	54	—
30.	Sikkim	2	2	—
31.	Tamil Nadu	68	24	—
32.	Tripura	33	0	—
33.	Uttar Pradesh	474	476	—
34.	Uttarakhand	9	0	—
35.	West Bengal	296	160	—
Total		2868	1662	

*ANNEXURE II*

Sl. No.	State	2009-2010		2008-2009		2007-2008		2006-2007	
		(As on 31.1.2010)		(As on 31.03.2009)		(As on 31.03.2008)		(As on 31.03.2007)	
		No. of ITIs/ ITCs	Seating Capacity	No. of ITIs/ ITCs	Seating Capacity	No. of ITIs/ ITCs	Seating Capacity	No. of ITIs/ ITCs	Seating Capacity
1.	A & N Islands	1	273	01	273	01	241	01	241
2.	Andhra Pradesh	615	120074	545	111338	538	104810	535	105308
3.	Arunachal Pradesh	5	512	05	512	05	512	05	512
4.	Assam	31	5776	31	5776	31	5776	31	5776
5.	Bihar	258	44002	195	33858	144	24914	93	19224
6.	Chandigarh	2	968	2	952	2	952	2	804
7.	Chhattisgarh	116	13584	96	11872	94	11376	91	11080
8.	D&N Haveli	1	228	1	228	1	228	1	228
9.	Daman & Diu	2	388	2	388	2	388	2	388
10.	Delhi	72	15160	72	13432	71	13160	71	13032
11.	Goa	14	3644	14	3484	14	3437	14	3321
12.	Gujarat	502	76756	482	75428	441	73268	338	72804
13.	Haryana	167	29792	158	27056	138	24960	122	18936
14.	Himachal Pradesh	152	15040	126	11520	100	8384	78	6972
15.	Jammu & Kashmir	38	4197	38	4197	38	4197	38	4380
16.	Jharkhand	108	28264	97	22056	84	15272	51	9600
17.	Karnataka	1193	10308	1052	91872	886	78002	853	69416
18.	Kerala	518	68774	477	62934	410	54790	410	60531
19.	Lakshadweep	1	96	1	96	1	96	1	96
20.	Madhya Pradesh	228	34256	201	32704	193	29520	183	21396
21.	Maharashtra	679	119904	635	105168	599	97808	576	92568
22.	Manipur	7	540	7	540	7	540	7	540
23.	Meghalaya	7	942	7	942	7	942	7	942
24.	Mizoram	1	294	1	294	1	294	1	294
25.	Nagaland	8	944	08	928	08	928	07	928
26.	Orissa	521	92404	456	78180	361	54852	233	38310
27.	Puducherry	15	1860	15	1828	14	1716	14	1716
28.	Punjab	246	34244	217	30500	199	27348	197	29923
29.	Rajasthan	782	89903	576	53951	392	31775	233	18553
30.	Sikkim	2	516	01	212	01	212	01	212
31.	Tamil Nadu	687	84326	675	82678	664	80472	664	75748
32.	Tripura	8	944	08	816	08	816	08	816
33.	Uttar Pradesh	836	92346	548	65626	473	55610	449	44256
34.	Uttarakhand	88	8929	84	8689	80	8385	77	8287
35.	West Bengal	73	14020	72	13556	71	13396	71	12372
	Grand Total	7984	1107308	6906	953884	6079	829377	5465	749510

**Brief on the progress of project to set up  
1500 ITIs & 5000 SDCs under Kaushal Vikas Yojana**

To meet the demand-supply gap of quality trained manpower and to increase equity, access and outreach for marginalized society, there is an inherent need to set up more institutions to run courses with special focus on skilling of youth across the country in unserved areas and therefore affirmative action is necessary to accelerate the provision of technical skills to those who have hitherto lacked access. The progress of the scheme is as below:—

- Ministry of Labour and Employment submitted a proposal titled "Kaushal Vikas Yojana" to set up 1500 new Industrial Training Institutes (ITIs) and 5000 Skill Development Centres (SDCs) in PPP mode to the Planning Commission and 'In-Principle Approval' from Planning Commission has been obtained.
- The Draft feasibility report was prepared by the consultant and based on which EFC Memo circulated to the concern Ministries/Departments including Planning Commission for setting up of 1500 ITIs and 5000 SDCs with Government expenditure of Rs. 5205.29 crore on 31st August, 2010. Planning Commission *vide* their letter dated 08th August, 2011 supported VGF contribution of Rs. 5205.27 crore and indicated that the funds for the project be sought in the 12th Five Year Plan. The Planning Commission proposed to increase the No. of ITIs from 1500 to 3000 keeping in view the skilled manpower requirement for industries and to provide hostel facilities in ITIs as these ITIs are to be set up in unserved blocks. Structure for setting up of 5000 Skill Development Centres (SDCs) could not be finalized with the Planning Commission and it was decided to take up after the launch of project for ITIs.
- Revised EFC circulated for setting up of 3000 ITIs in PPP with Government expenditure of Rs. 70,605 crore on 18th October, 2012. Secretary (Expenditure) informed on 20th May, 2013, to revise EFC as per approved outlay of Rs. 716 crore for current plan period.
- Revised EFC was then circulated on 7th October, 2013 for setting up of 1500 ITIs with Government expenditure of Rs. 1098 crore. The Planning Commission advised that the architecture of the scheme is not in accordance to PPP norms.
- Scheme is being further revised as per the allocation of budget in XII Plan and DEA will be approached for approval of grant for VGF.

**APPENDIX XIX**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION No. 2813  
ANSWERED ON 15.03.2010

**Amendment in Minimum Wages Act, 1948**

2813. DR. MURLI MANOHAR JOSHI:  
SHRI ANANTKUMAR HEGDE:

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

(a) whether the Government proposes to amend the Minimum Wages Act, 1948 to improve the condition of workers/labourers engaged in different sectors including unorganised sector of the country;

(b) if so, the details thereof and if not, the reasons therefor; and

(c) the time by which said Act is likely to be amended?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (c) The process of consultation with all Central Ministries/Departments and State Governments/Union Territory Administrations for finalizing the proposals to amend the Minimum Wages Act, 1948, is in progress.

**APPENDIX XX**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION No. 2913  
ANSWERED ON 15.03.2010

**Amendment in Contract Labour Act, 1970**

2913. SHRI P. KUMAR:  
SHRI VARUN GANDHI:  
SHRI NAMA NAGESWARA RAO:

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

(a) whether the Government proposes to amend the Contract Labour (Regulations and Abolition) Act, 1970 to ensure social protection of contract workers' in the light of the report of the Task Force constituted for the purpose; and

(b) if so, the details thereof and if not, the reasons therefor?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) Tripartite Group was constituted *vide* order dated 30th June, 2009 to examine the provision in the Contract Labour (Regulation and Abolition) Act, 1970 with a view to facilitating more social protection to the contract workers and suggest amendment to the Act. The Group had submitted its report on 31.12.2009. The Government is examining the report.

The issues relating to contract labour were also deliberated in the State Labour Ministers' Conference organized on 22nd January, 2010. Some very useful suggestions were given which are under active examination of the Government.

**APPENDIX XXI**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 3871  
ANSWERED ON 19.04.2010

**Salary Limit for Provident Fund**

3871. SHRI SANJAY SINGH CHAUHAN:

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

- (a) the existing salary limit for availing the benefits of Provident Fund by the employees in the country;
- (b) whether the Government proposes to increase such ceiling for the benefits of employees;
- (c) if so, the details thereof;
- (d) whether the Union Government has consulted various stakeholders in this regard; and
- (e) if so, the details thereof and the reaction of the stockholders thereto?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT) : (a) The existing salary limit under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 for availing benefits of Provident Fund by the employees is Rs. 6,500/-.

(b) and (c) The proposal for enhancement of wage ceiling as per the recommendations of the Parliamentary Standing Committee on Labour in its 39th Report has been placed before the Central Board of Trustees, Employees' Provident Fund in its 189th meeting held on 09.04.2010 and the same is under consideration.

(d) Yes.

(e) As stated in reply to parts (b) and (c) above, the matter is under the consideration of the Central Board of Trustees, Employees' Provident Fund, which is a tripartite body of employees' representative, employers' representatives and representatives from the Central and State Governments.

**APPENDIX XXII**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA UNSTARRED QUESTION NO. 159  
ANSWERED ON 26.07.2010

**Swavalamban Scheme**

159. SHRI RAMESH BAIS:  
SHRI BHUDEO CHOUDHARY:  
SHRI HANSRAJ G. AHIR:

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

(a) the present status of 'Swavalamban' Scheme launched for collecting contribution towards New Pension Scheme from workers and persons engaged in unorganised sector;

(b) the role of State Governments in implementation of said scheme all over the country; and

(c) the action plan chalked out by the Union Government to ensure the justified and appropriate distribution of fund under National Social Security Fund constituted for unorganised workers?

**ANSWER**

THE MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) The procedure and modalities for collecting the contribution towards New Pension Scheme are being finalized by the Government.

(b) The Finance Minister in his Budget Speech has appealed to the State Governments to contribute a similar amount to the scheme and participate in providing social security to vulnerable section of the society.

(c) The guidelines for utilization of the Funds under National Social Security Fund are being worked out.

**APPENDIX XXIII**

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT

LOK SABHA STARRED QUESTION No. 302  
ANSWERED ON 16.08.2010

**Employees' Pension**

\*302. SHRI KABINDRA PURKAYASTHA:

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

(a) whether the pension of persons in the organised sector has not been revised for a considerable time under the Employees Pension Scheme (EPS), 1995;

(b) if so, the details thereof and the reasons therefor;

(c) the terms of reference and composition of the Expert Committee, which reviewed the pension under EPS, 1995;

(d) whether the said Committee has submitted its report;

(e) if so, the main recommendations thereof; and

(f) the follow-up action taken thereon?

**ANSWER**

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (f) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION No. 302 FOR 16.08.2010 BY SHRI KABINDRA PURKAYASTHA REGARDING EMPLOYEES' PENSION.

(a) and (b): The pension of persons in the organised sector under the Employees' Pension Scheme, 1995 was last increased with effect from 1st April, 2000. Thereafter, there is no revision in pension benefit. After 1st April, 2000, annual valuations of the Employees' Pension Fund have not revealed actuarial surplus, therefore no relief could be granted by the Central Government after the year 2000.

(c) The Central Government appointed an Expert Committee under the Chairmanship of Additional Secretary (Labour and Employment) to look into the Employees' Pension Scheme, 1995 in June, 2009 to give expert views on the Scheme. The composition of the Committee is given below:

- |   |          |
|---|----------|
| 1. Additional Secretary (Labour and Employment) | Chairman |
| 2. Central Provident Fund Commissioner          | Member   |

3. Joint Secretary (Social Security) (Labour and Employment)	Member
4. Dr. K.C. Sharma, Director, National Insurance Academy, Pune	Member
5. Sh. Nalin Thakor, President, Social Security Research Centre, Ahmedabad	Member
6. Sh. Bhudev Chatterjee, Actuary	Member
7. Sh. S.P. Subhedar, Fellow of Institute of Actuaries of India, AIA (UK), Retd. M.D. of LIC of India	Member
8. Dr. R. Kannan, Actuary, Insurance Regulatory Development Authority	Member
9. Sh. Nirmal Ghosh, Organising Secretary, INTUC, Kolkata	Member
10. Sh. J.P. Chowdhary, Member, Central Board of Trustees, EPF	Member
11. Additional Central Provident Fund Commissioner (Pension)	Member Secretary

(d) The Committee submitted its report to the Central Government on 5th August, 2010.

(e) The Committee has recommended either of the two options below:

(i) Introduction of a Provident Fund-cum-Pension Annuity Scheme.

Or

(ii) Modifications in the existing Employees' Pension Scheme, 1995.

(f) At present, the recommendations of the Expert Committee are under examination of the Central Government for taking further steps.

**MINUTES**

**SECOND SITTING**

**MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT  
ASSURANCES (2014-2015) HELD ON 08.10.2014 IN COMMITTEE  
ROOM 'G-074', PARLIAMENT LIBRARY BUILDING, NEW DELHI**

The Committee sat from 1500 hours to 1740 hours on Wednesday, 08 October, 2014.

**PRESENT**

Dr. Ramesh Pokhriyal 'Nishank' — *Chairperson*

**MEMBERS**

2. Shri Rajendra Agrawal
3. Shri E. Ahamed
4. Shri Naranbhai Bhikhabhai Kachhadia
5. Shri Bahadur Singh Koli
6. Shri Prahlad Singh Patel
7. Shri Sunil Kumar Singh

**SECRETARIAT**

1. Shri R.S. Kambo — *Joint Secretary*
2. Shri U.B.S. Negi — *Director*
3. Shri T.S. Rangarajan — *Additional Director*
4. Shri Kulvinder Singh — *Committee Officer*

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**Ministry of Labour and Employment**

1. Smt. Gauri Kumar, Secretary (L&E)
2. Shri Partha Pratim Mitra, PLEA
3. Shri Arun Kumar Sinha, Additional Secretary
4. Shri A.C. Pandey, Joint Secretary
5. Shri Rajeev Sadanandan, Joint Secretary
6. Shri Anil Kumar Khachi, Joint Secretary
7. Shri Alok Kumar, Joint Secretary
8. Ms. Mamta Kundra, Joint Secretary
9. Shri D. Chaudhuri, Deputy Director General

**Ministry of Parliamentary Affairs**

Shri Afzal Amarullah, Secretary

\* \* \* \*

\* \* \* \*

\* \* \* \*

2. The Committee then took oral evidence of the Ministry of Labour and Employment from 8th Lok Sabha to 5th session of the 15th Lok Sabha regarding pending assurances (Annexure V). The Committee noted with serious concern that the assurances given regarding Amendment to the Minimum Wages Act, was pending since the year 1987. Thereafter, three more assurances were given on the subject and all of which are pending. The Committee were informed that the matter relates to amendment of Minimum Wages Act, and has been discussed at different level in the Government. However, no consensus among the stakeholders could be arrived at. The Committee were however of the view that a time limit be fixed as amendment to the Minimum is an important issue and the matter is hanging fire from the last 27 years. The Committee further desired that a detailed report regarding the work done by the Ministry in the matter may be furnished for their consideration. As regard to other assurances the Committee were informed that they are at various stages of implementation. The Committee desired and emphasized the need for early implementation of pending assurances.

*The Committee then adjourned.*

## ANNEXURE-V

STATEMENT OF PENDING ASSURANCES OF THE MINISTRY OF LABOUR  
AND EMPLOYMENT (FROM 8TH LOK SABHA TO 5TH SESSION OF THE  
15TH LOK SABHA)

Sl.No.	SQ/USQ No. dated	Subject
1	2	3
1.	USQ No. 1291 dated 16.11.1987	Amendment to the Minimum Wages Act.
2.	USQ No. 3747 dated 07.12.1988	Amendment to the Minimum Wages Act. and the Employees State Insurance Act.
3.	SQ No. 188 dated 08.03.1989 (Shri M.V. Chandrashekhara Murthy, M.P.)	Amendment to the Minimum Wages Act.
4.	USQ No. 4735 dated 05.05.1995	Minimum Wages Act, 1948.
5.	USQ No. 536 dated 22.11.2000	Closure of Industrial Units.
6.	SQ No. 428 dated 21.04.2003 (Shri Basudeb Achariya, M.P.)	Representation to Workers on Board of Directors.
7.	USQ No. 5600 dated 02.05.2005	EPF Facilities to Workers of Small Companies.
8.	USQ No. 2786 dated 12.12.2005	Amendment in E.P.F. and M.P. Act, 1952.
9.	USQ No. 5296 dated 14.05.2007	Workers Bank.
10.	USQ No. 658 dated 03.03.2008	Assistance for setting up New Industrial Training Institutes.
11.	USQ No. 1281 dated 27.10.2008	Regularisation of Casual and Contract Workers.
12.	Calling Attention dated 26.02.2009	Need to Re-Examine Employees Provident Fund Pension Scheme.
13.	SQ No. 121 dated 13.07.2009 (Shri Kishnbhai V. Patel, M.P.)	Child Labour.
14.	SQ No. 121 dated 13.07.2009 (Shri Pradeep Majhi, M.P.)	Child Labour.
15.	USQ No. 1258 dated 13.07.2009	Regularisation of Casual and Contract Workers.
16.	USQ No. 2052 dated 20.07.2009	Modernisation and Upgradation of ITIs.
17.	USQ No. 1657 dated	Regularisation of Casual

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	30.11.2009	Contract Workers.
18.	USQ No. 1725 dated 08.03.2010	Setting up of New ITIs/ITEs.
19.	USQ No. 2813 dated 15.03.2010	Amendment in Minimum Wages Act, 1948.
20.	USQ No. 2913 dated 15.03.2010	Amendment in Contract Labour Act, 1970.
21.	USQ No. 3871 dated 19.04.2010	Salary Limit for Provident Fund.
22.	USQ No. 159 dated 26.07.2010	Swavalamban Scheme.
23.	SQ No. 302 dated 16.08.2010 (Shri Kabindra Purkayastha, M.P.)	Employees Pension.

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MINUTES

SIXTH SITTING

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT  
ASSURANCES (2014-2015) HELD ON 22 DECEMBER, 2014 IN COMMITTEE  
ROOM 'E', PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee sat from 1500 hours to 1615 hours on Monday, 22 December 2014.

PRESENT

Dr. Ramesh Pokhriyal 'Nishank' — *Chairperson*

MEMBERS

2. Prof. Sugata Bose
3. Shri Naran Bhai Kachhadia
4. Shri Bahadur Singh Koli
5. Shri Prahlad Singh Patel

SECRETARIAT

1. Shri R.S. Kambo — *Joint Secretary*
2. Shri U.B.S. Negi — *Director*
3. Shri T.S. Rangarajan — *Additional Director*
4. Shri Kulvinder Singh — *Committee Officer*

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At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them regarding the day's agenda. Thereafter, the Committee considered and adopted the following four draft reports:—

- (i) Draft 5th report regarding review of pending assurances pertaining to the Ministry of Labour and Employment.
- (ii) Draft 6th report regarding requests for dropping of assurances (acceded to).
- (iii) Draft 7th report regarding requests for dropping of assurances (not acceded to).
- (iv) Draft 8th report regarding review of pending assurances pertaining to the Ministry of AYUSH.

2. \*\*\*\*                      \*\*\*\*                      \*\*\*\*                      \*\*\*\*

3. \*\*\*\*                      \*\*\*\*                      \*\*\*\*                      \*\*\*\*

*The Committee then adjourned.*

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