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**STANDING COMMITTEE ON LABOUR
(2015-2016)**

SIXTEENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

[Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Fourth Report (Sixteenth Lok Sabha) on `Regularisation of Casual Workers/Artists of Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar']

TWELFTH REPORT



LOK SABHA SECRETARIAT

December, 2015/Pausha , 1937 (Saka)

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Presented to Lok Sabha on 22.12.2015

Laid in Rajya Sabha on 22.12.2015



LOK SABHA SECRETARIAT

NEW DELHI

December, 2015 /Pausha , 1937 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2015-16)**

DR. VIRENDRA KUMAR-CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Hariom Singh Rathore
17. Shri Y.S. Avinash Reddy
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

Rajya Sabha

22. Shri Nazir Ahmed Laway
23. Shri Aayanur Manjunatha
24. Shri P.L. Punia
25. Shri Rajaram
26. Haji Abdul Salam
27. Ms. Dola Sen
28. Shri Tapan Kumar Sen
29. Shri R.K. Sinha
30. Shri Ravi Prakash Verma
31. Vacant*

* Shri P.Kannan retired from Rajya Sabha w.e.f. 06.10.2015

SECRETARIAT

- | | | | |
|----|------------------------|---|----------------------|
| 1. | Shri K. Vijaykrishnan | - | Additional Secretary |
| 2. | Shri Shiv Kumar | - | Joint Secretary |
| 3. | Shri Ashok Sajwan | - | Director |
| 4. | Shri D.R. Mohanty | - | Additional Director |
| 5. | Smt. Archana Srivastva | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2015-16), having been authorized by the Committee, do present on their behalf this Twelfth Report on Action Taken by the Government on the Observations/ Recommendations of the Committee contained in their Fourth Report (Sixteenth Lok Sabha) on 'Regularisation of Casual Workers/Artists of Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar' relating to the Ministry of Information and Broadcasting.

2. The Fourth Report was presented to Lok Sabha and laid in Rajya Sabha on 18th March, 2015. The Ministry of Information and Broadcasting furnished their replies indicating action taken on the Observations/Recommendations contained in the Fourth Report on 3rd August, 2015. The Committee considered and adopted the Draft Report at their sitting held on 3rd December, 2015.

3. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Fourth Report of the Standing Committee on Labour (Sixteenth Lok Sabha) is given at Appendix-II.

4. For ease of reference, Observations/ Recommendations of the Committee have been printed in thick type in the body of the Report.

New Delhi;
15 December, 2015
24 Pausha, 1937 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

CHAPTER-I REPORT

This Report deals with the action taken by the Government on the Observations/Recommendations of the Committee contained in their Fourth Report (Sixteenth Lok Sabha) on 'Regularisation of casual Workers/Artists of Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar'.

2. The Fourth Report was presented to Lok Sabha and also laid in Rajya Sabha on 18th March, 2015. It contained 14 Observations/Recommendations. Replies of the Government in respect of all the Recommendations have been received and are categorized as follows:-

- | | | |
|-------|---|---|
| (i) | Recommendations/Observations which have been accepted by the Government –
Recommendation Para Nos.1, 5, 6, 7, 8, 9, 10, 12, 13 | Total: 09
percentage: 64.3 |
| (ii) | Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply –
-NIL- | Total: 00
percentage: 00 |
| (iii) | Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration –
Recommendation Para Nos. 2, 11 | Total: 02
percentage: 21.4 |
| (iv) | Recommendations/Observations in respect of which replies of the Government are interim in nature -
Recommendation Para Nos. 3, 4, 14 | Total: 03
percentage: 14.3 |

3. The Committee desire that Action Taken Replies in respect of Recommendations contained in Chapter-I and final Action Taken Replies in respect of Recommendations contained in Chapter-V; for which only interim replies have been furnished by the Government, be furnished at the earliest.

A. Engagement of casual artists on long-term contract

(Recommendation Para No. 2)

4. The Committee, in their Fourth Report, had observed that pursuant to their suggestions, the Ministry/Prasar Bharati had initiated some measures, including working out a scheme for engaging eligible casual artists on contract basis, issue of directions to all the Kendras not to lay off casual workers at local level, expediting the formulation of Recruitment Rules for Prasar Bharati, sorting out various irregularities pertaining to the engagement of casual assignees, etc. However, nothing concrete beyond assurance had come up, though the Ministry of Information & Broadcasting and Prasar Bharati had assured the Committee to engage casual artists on long term contract till they attain the age of superannuation. The Committee, therefore recommended that the measures initiated be implemented with full fidelity and expeditiously considering the protracted plight of these aggrieved casual assignees.

5. In their Action Taken Note, the Ministry of Information and Broadcasting have stated as follows:

"Prasar Bharati has informed that instructions have already been issued that no casual worker be laid off at the local level and proposals, if any for laying off the casual workers invariably be sent to Prasar Bharati for appropriate action. Further, Prasar Bharati, following approval of the Government, has notified Recruitment Regulations (RRs) for 11 categories of posts and remaining RRs are under inter-Ministerial consultations between this Ministry and the Department of Expenditure, Department of Personnel & Training and Prasar Bharati. In the RRs so far notified, a provision has been made for giving age relaxation to the casual artists in direct recruitment to the posts for which they are being booked, subject to fulfilling the educational and other qualifications of the relevant regulation."

6. The Committee appreciate the measures taken by the Ministry like not laying off casual workers at the local level without the permission of Prasar Bharati, framing of Recruitment Rules (RRs) for 11 categories of

posts, etc. However, the Committee are deeply concerned over the conspicuous silence of the Ministry on the assurance given to the effect that the casual artists would be engaged on long-term contract till they attain the age of superannuation. It is no consolation that a provision has been made in the RRs to give age relaxation to the casual artists in direct recruitment. The Committee find it very disconcerting that even after rendering decades of service, the casual artists who must be in their late forties/early fifties, are being compelled to appear in examinations, and that too competing with freshers. Expressing their displeasure over this insensitive approach on the part of the Ministry/Prasar Bharati, the Committee call for a firm commitment that the casual artists would be engaged on long-term contracts till they attain the age of superannuation and even the slightest of deviation in this regard should be allowed.

**B. Adoption of transparent procedure for regularizing the contract/
casual workers**

(Recommendation Para No. 8)

7. In their Report, the Committee had found that some casual assignees were regularized, some of them were converted to Temporary Status Worker (TSW) and the rest were left out. It was thus apparent that no transparent procedure was adopted to honour the DOPT circular in regularizing the contract/casual workers. The Committee were of the firm view that performing similar nature of job for the same duration with equal proficiency should have been the only criterion for regularization/conferment of TSW status upon the casual /contract assignees and there should have absolutely been no pick and choose policy or other extraneous consideration for the purpose. The Committee, therefore, had exhorted the Ministry/Prasar Bharati to take urgent requisite measures to rectify the aberrations and put in place a transparent system so that justice is done to all the affected casual assignees.

8. In their Action Taken Note, the Ministry of Information and Broadcasting have stated as follows:

"Prasar Bharati has informed that regularization of casual artists/casual workers have been done under two separate schemes in Doordarshan strictly as per provisions of the schemes. The details are as follows:

(i) Scheme for regularization of casual artists in Doordarshan under Doordarshan Scheme of 1992-94

Casual artists eligible for regularization under this scheme which was prepared under Court directions and was approved by the Hon' ble CAT had been done earlier. A thorough check of all the pending cases has been undertaken. Based on this scrutiny by two different Committees and with the approval of Prasar Bharati Board, orders for regularization of 233 casual artists who are found eligible for regularization under the scheme have since been issued.

(ii) DoPT scheme for regularization of labourer [grant of Temporary Status Workers (TSW) and regularization scheme 1993]

202 TSWs have been regularized based on the approval accorded by Prasar Bharati Board. Case of 19 TSWs is sub-judice. No further TSW is remaining for regularization".

9. The Committee are pleased to note that under the Doordarshan Scheme of 1992-94, orders for regularisation of 233 casual artists, who were found eligible for regularisation under the Scheme have been issued. They find it also equally heartening to observe that under the DoPT Scheme for regularisation of labourers, 202 Temporary Status Workers (TSWs) out of 221 such workers have been regularised. However, the case of 19 TSWs has been stated to be sub-judice. While acknowledging the commendable efforts made by the Ministry/Prasar Bharati in regularising the casual artists/TSWs, the Committee would like to be apprised of the fate of the remaining 19 TSWs, as and when their case is decided. The Committee also desire the Ministry/Prasar Bharati to adopt a more compassionate approach towards the plight of these casual artists, especially the TSWs, so as to avoid litigations and Court cases in future.

C. Comprehensive policy for contractual engagements

(Recommendation Para No. 10)

10. In their Fourth Report, the Committee had found that the comprehensive policy for contractual engagements had been finalized as late as in 2012 and even then the examination could not be held which could have enabled the casual and contractual assignees to become regular workers. The Committee had opined that had the comprehensive policy been finalized earlier, the contractual/casual assignees would have got the benefit of age on their side. As most of the contractual/casual assignees must be in their late forties, the Committee had viewed that it would be unfair to expect such older people to

compete with the freshers in the examination. The Committee had urged that they might be considered for regularization for the rest of their service period as a one-time gesture so that they could get all the financial benefits available to regular employees and lead a peaceful retired life.

11. In their Action Taken Note, the Ministry of Information and Broadcasting have stated as follows:

"For regularization of casual artists working in Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra Srinagar, a proposal has been received in the Ministry from Prasar Bharati vide their D.O. letter dated 11.2.2015, for approval as a special case by de-linking it from regularization of casuals in other parts of the country. On examination, the said proposal of Prasar Bharati was found sketchy and without the basic details, including those related to the casuals proposed to be regularized, e.g. their names, period of engagement, remunerations drawn, mode of recruitment, duties assigned, etc., posts to which these casuals are proposed to be regularized, financial implications involved and the mode by which these casuals can be regularized. Accordingly, Prasar Bharati was requested on 16.3.2015 to furnish the above details for further processing of the proposal. Reply of Prasar Bharati is still awaited."

12. The Committee are perturbed to note that the proposals for regularisation of casual artists working in Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar, as sent by the Prasar Bharati to the Ministry on 11th February, 2015 have been "found to be sketchy and without the basic details" for which the Prasar Bharati was asked on 16th March, 2015 to furnish the details for further processing of the proposals. What is more worrisome is the fact that even after a lapse of six months, i.e. from March 2015 to August 2015 (when the ATN was furnished to the Committee), the reply of Prasar Bharati is still awaited. The Committee fail to comprehend as to why the proposal for regularisation of casual artists was submitted to the Ministry without the basic details, and the required course correction has not been done even after six months. The Committee, therefore, urge the Ministry to impress upon the Prasar Bharati to display requisite professional urgency and resubmit the proposal with all the required details without further loss of time so that the aggrieved casual artists get the much needed succor and relief.

D. Finalisation of Recruitment Rules

(Recommendation Para No. 11)

13. In their Report, the Committee had noted that even after lapse of 18 years, the Prasar Bharati had been able to formulate and notify only 09 RRs. Consequently, the Prasar Bharat Recruitment Board had also not been constituted. While cautioning the Ministry/Prasar Bharati, the Committee had exhorted them for initiating and expediting urgent and effective measures to finalize all the remaining RRs at the earliest so that the Recruitment Board was constituted and over dependence on SSC/UPSC for recruitment in Prasar Bharati was minimized significantly.

14. In their Action Taken Note, the Ministry of Information and Broadcasting have stated as follows :

(A) Regarding Recruitment Regulations (RRs) for Prasar Bharati employees:

- i. The Recruitment Regulations (RRs) for 122 categories of employees were notified in 2001-2002. These RRs were kept in abeyance because of dissatisfaction of the employees concerned. The Group of Ministers on Prasar Bharati (GOM) in their meeting held on 16.04.2010, directed to take immediate steps to frame and notify new RRs and service conditions for its employees. It was decided that the employees who were recruited till 05.10.2007. i.e. the employees who are on deemed deputation to the Prasar Bharati, shall continue to be governed by the existing RRs, framed under Article 309 of the Constitution and new RRs will be framed for the employees of the Prasar Bharati Corporation.
- ii. The Prasar Bharati Board had approved draft RRs in respect of 195 categories of employees of the Prasar Bharati recruited after 5.10.2007, in April, 2010 which were subsequently referred to the Ministry. Following examination of the proposal in the Ministry, the draft RRs were referred to the Department of Personnel & Training (DOP&T). Several stages of consultations were held between the Ministry and the DOP&T. Based on the comments dated 26.3.2012 of the DOP&T and first stage comments of the Department of Expenditure (DOE) dated 27.6.2012, Prasar Bharati was requested to modify the draft RRs. In the meanwhile Prasar Bharati vide their letter dated: 05.06.2012 conveyed their decision to reduce the number of posts for which new Recruitment Regulations are to be framed to 125 categories of posts on account of merger of posts and dropping some cadres which were considered obsolete in view of

technology change, administrative reasons, DOP&T instructions and functional requirement of Prasar Bharati.

- iii. As on 01.7.2015, new RRs in respect of 11 categories of posts covering 12,502 posts viz. Programme Executive, Transmission Executive, Engineering Assistant, Head Clerk, Technician, Cameraman Grade-II, News Reader-cum-Translator (NRT) cadres (viz. NRT Grade-I, NRT Grade-II and NRT Grade-III), Senior Financial Officer and Financial Officer to Chief Engineer (Civil), have been notified by Prasar Bharati with the approval of the Government. RRs pertaining to the remaining categories of posts are at various stages, including RRs in respect of 15 categories of posts are under inter-Ministerial consultation with the Department of Expenditure (DOE) and DOP&T, RRs in respect of 19 categories are under examination in the Ministry, Prasar Bharati has to furnish clarifications in respect of 43 categories of posts and RRs in respect of 37 categories of posts are yet to be originated from Prasar Bharati.

(B) Regarding Prasar Bharati Recruitment Board :

- i. As per section 10 of the Prasar Bharati Act, 1990, Prasar Bharati Recruitment Board (PBRB) is to be constituted. A draft Cabinet Note for creation of posts of Chairperson and Members of PBRB, at the level of Additional Secretary and Joint Secretary respectively, was circulated on 16.7.2014 for inter-ministerial consultation. The proposal was re-examined in the light of the comments received from PMO and Ministry of Finance.
- ii. In a meeting between Secretary (I&B) and CEO, Prasar Bharati (PB) held on 01.12.2014, the Ministry had shared comments of other Ministries/ Departments received against the draft Cabinet Note with PB. Further, it was decided that Prasar Bharati would forward a proposal for revising the Cabinet Note, in the light of comments received.
- iii. Prasar Bharati forwarded the revised draft Cabinet Note and the Rules for setting up of Prasar Bharati Recruitment and Services Board (PBRSB) on 19.3.2015. The proposal has been examined in the Ministry. It has been observed that the proposal envisages substantial modification in the draft Rules for PBRB, prepared by the Ministry on the basis of approved proposal of Prasar Bharati Board (in the meeting dated 16.05.2012) and following inter-Ministerial consultations with DOP&T, Department of Expenditure (DOE) and Ministry of Law.

- iv. Since the new modifications suggested by Prasar Bharati at this stage, require fresh approvals of PMO, DOE and DOP&T, Prasar Bharati has been requested on 29.4.2015 to forward firmed up proposal with the approval of the Prasar Bharati Board.

In the matter, a meeting was also held with Member (Personnel), Prasar Bharati on 12.5.2015 wherein this issue of PBRB was discussed at length. In the meeting, Member (Personnel) mentioned that he would discuss the matter with Chief Executive Officer and Chairperson, Prasar Bharati for a final decision. Reply of PB is still awaited.

15. The Prasar Bharati came into existence in the year 1997. The Committee find that Recruitment Rules (RRs) in respect of 122 categories of posts out of a total number of 198 posts were notified in 2001-02, but were kept in abeyance for nearly 10 years without taking a final call thereon. In 2010, the Group of Ministers (GOM) had directed the Prasar Bharati to frame and notify the new RRs. In 2012, after discussions/deliberations amongst the Ministry of Information and Broadcasting, DoPT and Department of Expenditure for two and half years, a decision had been taken to reduce the number of categories of posts to 125. Out of these 125 categories even after a lapse of three years, i.e. in 2015; the Prasar Bharati had only been able to notify RRs for 11 categories of posts while for 37 categories of posts the process of framing of the RR is yet to be initiated by the Prasar Bharati and RRs in respect of rest of the categories are still lying at different stages of finalisation. The Committee express their displeasure over the inordinate delay in framing the RRs for all categories of posts. The Committee, therefore, stress that RRs for the remaining category of posts be finalised and put in place within a definite time-frame for the benefit of the aggrieved employees.

16. The Committee note that the process for constitution of the Prasar Bharati Recruitment and Services Board (PBRSB) was mooted in July, 2014. They further note that pursuant to the comments received from the PMO and the M/o Finance, the Prasar Bharati had revised the draft Cabinet Note and the Rules for the setting up of PBRB on 19.03.2015. According to the Ministry, the revised proposal of the Prasar Bharati carries substantial modifications in the draft Rules for PBRSB, prepared by the Ministry on the basis of the approved proposal of the Prasar Bharati Board. The Ministry have further submitted that since the new modifications suggested by the Prasar Bharati require fresh approvals

from the PMO, DoE and DoPT, the Prasar Bharati has been requested to submit a concrete and definite proposal. The Committee are anguished to observe the state of affairs prevailing in the Ministry and Prasar Bharati in the matter of delaying the constitution of PBRSB. The Committee are of the considered opinion that it should not be at all an issue with the Ministry to seek fresh approvals from the PMO, DoE and DoPT on the revised proposal of the Prasar Bharati Board-who on their part should also expedite submitting the fresh proposal in the interest of the Organisation. The Committee, therefore, urge the Ministry and the Prasar Bharati to work in unison so that the PBRSB is constituted at an early date to enable the Prasar Bharati to frame their own recruitment rules and service conditions and the dependence on UPSC & SSC for recruitment in the Prasar Bharati is finally eliminated.

CHAPTER-II**OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY
THE GOVERNMENT****(Recommendation No.1)**

The Committee's examination of the subject has revealed some disquieting aspects pertaining to the state of affairs in Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar which inter-alia include opaque procedure and gross mal practices in the appointment of casual assignees, lack of uniform policies in regularization of the casual announcers/artists/workers, exploitation of the casual workers; disparities in the payment of wages/emoluments to the casual assignees performing similar nature of jobs, payment of wages to these casual assignees for 06 days only though they work for entire month, non-coverage of the casual workers under any social security schemes viz. ESI and EPF, etc. Based on the clarifications of the Ministry of Information and Broadcasting/Prasar Bharati/DOPT and inputs gathered during the field visit to Srinagar, the Committee have given their considered recommendation and observations in the succeeding paragraphs.

Reply of the Government

In this paragraph, the Committee has given brief of the observations/recommendations contained in the subsequent paragraphs. The complete report of the Committee was forwarded to Prasar Bharati for their comments. Action Taken Replies of the Ministry on subsequent Paras No. 2 to 14 has been given against specific observation/recommendation of the Committee based on inputs received from Prasar Bharati. As intimated in reply to Para-4 of the report, Prasar Bharati has constituted a Fact Finding Committee to verify the data of casual artists engaged at Radio Kashmir Srinagar, CBS Radio Kashmir and Doordarshan Kendra Srinagar. Prasar Bharati has intimated that the report is yet to be finalized.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.5)

The Committee are constrained to note that there were glaring anomalies in the payment of wages to the casual assignees performing same/similar

nature of jobs. Surprisingly, the Ministry/Prasar Bharati have stated in their written submission that "there is no difference in wages of casual workers performing similar nature of jobs" though the detailed list of wages paid to the casual workers, as furnished by Prasar Bharati, speaks to the contrary. For example, in the coordination section, some casuals are getting Rs.3000/- p.m. whereas some are getting Rs.4000/- p.m. Similarly in the Transport Section some are getting Rs.4000/- p.m, some Rs.6000/-p.m and some other Rs.8000/-p.m. Similar discrepancies have been observed in Scenic Section, Camera Section, Graphic Section, Editing Section etc. The Committee deprecate the misleading statement given by the Ministry/Prasar Bharati and would like to caution them to exercise utmost care in future while deposing before the Committee. The Committee also emphasize that the Ministry/Prasar Bharati should take immediate measures to find out cases of disproportionate wages being paid to the casuals and ensure that uniform and equal wages/emoluments are paid to the casual assignees performing same/similar kind of jobs.

Reply of the Government

Prasar Bharati has informed that All India Radio (AIR) have reported that there is no instances of disparity in wages in respect of casuals performing the same duties. The difference in wages earned by different casuals is on account of number of bookings in a month that a particular casual may get. The fee being paid to different types of casuals is in accordance with the Rate Card (which is different for different categories of casuals) approved by Prasar Bharati Board from time to time.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.6)

The Committee note with serious concern the low wages being paid to the casual assignees and non revision of their wages periodically. However, they draw some satisfaction from the orders issued by the Ministry/Prasar Bharati to enhance, by at least 65 per cent the fee being paid to the casual assignees in AIR and Doordarshan. The Committee would like to be assured that there is no aberration in the effective implementation of the said order by any Regional Kendra/Station. The Committee would also like the Ministry/Prasar Bharati to ensure that periodical revision of wages being paid to the casual assignees is carried out earnestly and the Committee be apprised.

Reply of the Government

Prasar Bharati has informed that there is no aberration in the effective implementation of the order relating to enhancement of wages of the casual artists. Periodic review of the wages would be carried out.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.7)

The Committee are deeply concerned to note that the casual workers (programme staff) were booked and paid wages only for six days but made to work for 30/31 days in a month. The Committee are not satisfied with the contention of the Ministry/Prasar Bharati that casual announcers are booked for six days in a month so that their total booking for a year does not exceed 72 days as per the existing policy. Equally unconvincing is the assurance that "in case any casual announcer is booked for more than six days in a month, he shall be paid accordingly", as many instances of irregularities on this count have been brought to the notice of the Committee. Therefore, instead of disregarding the gravity of the issue, the Ministry/Prasar Bharati should seriously look into the matter and ensure payment of actual wages to the casual assignees proportionate with the number of days they are made to work so as not only to honour the Labour Laws of the land but also to give fillip to the enabling Principles of State policy contained in our Constitution.

Reply of the Government

Prasar Bharati has informed that strict instructions have been issued to pay the casual artists including Announcers for the actual number of days booked. Any instance brought to the notice of the Management violating these instructions would be viewed seriously and strict action would be taken against the concerned person responsible for any violation.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.8)

The Committee find that pursuant to a circular issued by the DOPT for regularization of contract/casual workers, some casual assignees were regularized, some of them were converted to Temporary Status Worker (TSW)

and the rest were left out. It is thus apparent that no transparent procedure was adopted to honour the DOPT circular in regularising the contract/casual workers. The Committee are of the firm view that performing similar nature of job for the same duration with equal proficiency should be the only criteria for regularization/conferment of TSW status upon the casual/contract assignees and there should absolutely be no pick and chose policy or other extraneous consideration for the purpose. The Committee, therefore, exhort the Ministry/Prasar Bharati to take urgent requisite measures to rectify the aberrations and put in place a transparent system so that justice is done to all the affected casual assignees.

Reply of the Government

Prasar Bharati has informed that regularization of casual artists/casual workers have been done under two separate schemes in Doordarshan strictly as per provisions of the schemes. The details are as follows:

- (i) Scheme for regularization of casual artists in Doordarshan under Doordarshan Scheme of 1992-94

Casual artists eligible for regularization under this scheme which was prepared under Court directions and was approved by the Hon' ble CAT had been done earlier. A thorough check of all the pending cases has been undertaken. Based on this scrutiny by two different Committees and with the approval of Prasar Bharati Board, orders for regularization of 233 casual artists who are found eligible for regularization under the scheme have since been issued.

- (ii) DoPT scheme for regularization of labourer[grant of Temporary Status Workers (TSW) and regularization scheme 1993]

202 TSWs have been regularized based on the approval accorded by Prasar Bharati Board. Case of 19 TSWs is sub-judice. No further TSW is remaining for regularization.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.9)

The Committee were informed that the Ministry/Prasar Bharati sought approval of DOPT for relaxing the provisions of DOPT scheme for regularization of Temporary Status Workers, which is still awaited. The Committee desire that the matter be seriously pursued with the DOPT, if required, by preparing a

fresh proposal highlighting inter-alia the special circumstances in which these casual assignees were engaged, the number of years of service rendered by them despite severe adverse circumstances etc. so that the TSWs are regularized at an early date and the requisite financial benefits are extended to them in due course.

Reply of the Government

Prasar Bharati has informed that the matter of regularization of Temporary Status Workers (TSWs) under DOP&T scheme of 1993 was approved by Prasar Bharati Board subject to legal opinion. Based on the legal opinion, orders for regularization of 202 TSWs, eligible for regularization under DOP&T Scheme of 1993, have been issued by Prasar Bharati.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.10)

The Committee note that as per the comprehensive policy for contractual engagements formulated and implemented in September, 2012, all the casual assignees were allowed to appear for examination by relaxing the age, for the post for which they were engaged. But, the proposed examination could not be conducted as the Recruitment Rules of Prasar Bharati could not be formulated/finalised. The Committee find that the said comprehensive policy was finalised as late as in 2012 and even then the examination to enable the casual and contractual assignees to become regular workers could not be held which does not speak well about the seriousness of the Ministry towards these hapless assignees. Needless to mention, had the comprehensive policy been finalised earlier, the contractual/casual assignees would have got the benefit of age on their side. After serving the sensitive Kendras at J&K for decades, most of the contractual/casual assignees must be in their late forties, to say the least. In the considered view of the Committee it would be unfair to expect such older people to compete with the freshers in the examination for appointment as regular workers. On the other hand, by virtue of the years of service rendered and experience gathered, the contractual/casual assignees can commendably accomplish the job assigned vis-a-vis as regular workers who may take time to gain the requisite experience. Hence, taking into consideration the vast experience and dedicated service rendered by them in hostile conditions, the Committee urge that they may be considered for regularization for the rest of their service period and such relaxation, may be made as a onetime appreciable gesture so that they get all the financial

benefits available to regular employees and are able to lead a peaceful retired life.

Reply of the Government

For regularization of casual artists working in Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra Srinagar, a proposal has been received in the Ministry from Prasar Bharati vide their D.O. letter dated 11.2.2015, for approval as a special case by de-linking it from regularization of casuals in other parts of the country. On examination, the said proposal of Prasar Bharati was found sketchy and without the basic details, including those related to the casuals proposed to be regularized, e.g. their names, period of engagement, remunerations drawn, mode of recruitment, duties assigned, etc., posts to which these casuals are proposed to be regularized, financial implications involved and the mode by which these casuals can be regularized. Accordingly, Prasar Bharati was requested on 16.3.2015 to furnish the above details for further processing of the proposal. Reply of Prasar Bharati is still awaited.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.12)

The Committee are anguished to note that the staff strength of Prasar Bharati has been reduced by 15/16 thousand due to retirement of employees and non-filling up of the vacant posts whereas the number of Stations have doubled over the years. Worse, hundreds of posts have lapsed causing immense difficulties in the smooth running of the Stations. The Committee are given to understand that though Prasar Bharati is perceived to be an autonomous organization, due autonomy has not been accorded to the State Broadcasting Corporation. In view of the yeomen services rendered by the Doordarshan Kendras and All India Radio Stations to the nation over many years, it is high time the Government should recognize their contribution, identify the grey areas that impede their functioning and take effective measures including creation of adequate posts and according due autonomy to Prasar Bharati, with necessary safeguards, so that they function seamlessly and compete with the private channels effectively.

Reply of the Government

The Group of Ministers (GOM) on Prasar Bharati had undertaken a comprehensive review of the Prasar Bharati Act, 1990 and recommended certain amendments to the Act. Based on the recommendations of GOM, the Ministry had circulated a draft Cabinet note for inter-Ministerial consultation for implementation of some of these recommendations of the Group of Ministers for amendment of the Prasar Bharati Act, 1990. As it was felt necessary to further assess and analyse the issues in the draft Cabinet Note, the Ministry has withdrawn the said draft Cabinet Note.

The Ministry is re-assessing and analyzing the proposals made in the earlier draft Bill towards making amendments to certain clauses of the Prasar Bharati Act, 1990 and shall formulate a view on fresh draft Cabinet Note for inter-Ministerial consultation. The recommendations made by the Committee have been noted for consideration.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.13)

The Committee find that during the transitional years, Prasar Bharati engaged retired personnel as a stop gap arrangement to run Prasar Bharati, they being experienced and proficient. The practice is still going on and in Srinagar Station 29-30 days booking are given to the retired employees. This has reportedly created a resentment amongst the casual/contractual assignees that they are being ignored/overlooked despite toiling hard for many years in hostile conditions. While recognizing the unquestionable dedication and proficiency of the retired employees, the Committee would like Prasar Bharati to appoint them in such a manner that the casual/contractual assignees, working for many years, do not feel victimized.

Reply of the Government

Prasar Bharati has stated that it would be ensured that engagement of retired Government servants has no adverse effect on the interests of the casual/contractual assignees.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

CHAPTER-III

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

NIL

CHAPTER-IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

(Recommendation No.2)

The Committee note that pursuant to their suggestions subsequent to the first-hand knowledge gathered during their study visit to Srinagar, the Ministry/Prasar Bharati have initiated some specific measures which *inter-alia* include working out a scheme for engaging eligible casual artists on contract basis, issue of directions to all the Kendras not to lay off casual workers at local level, expediting the formulation of Recruitment Rules for Prasar Bharati, sorting out various irregularities pertaining to the engagement of the casual assignees, etc. The Committee however note with concern that almost nothing concrete beyond assurances has come up, though the Ministry of Information & Broadcasting and Prasar Bharati had assured to engage the casual artists on long term contract till they attain the age of superannuation. The Committee, therefore reiterate that the measures initiated be implemented with full fidelity and expeditiously considering the protracted plight of these aggrieved casual assignees.

Reply of the Government

Prasar Bharati has informed that instructions have already been issued that no casual worker be laid off at the local level and proposals, if any for laying off the casual workers invariably be sent to Prasar Bharati for appropriate action. (Copy of order dated 21.3.2012 issued by DG Doordarshan is at Annexure-I). Further, Prasar Bharati, following approval of the Government, has notified Recruitment Regulations (RRs) for 11 categories of posts and remaining RR's are under inter-Ministerial consultations between this Ministry and the Department of Expenditure, Department of Personnel & Training and Prasar Bharati. In the RR's so far notified, a provision has been made for giving age relaxation to the casual artists in direct recruitment to the posts for which they are being booked, subject to fulfilling the educational and other qualifications of the relevant regulation.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.11)

The Prasar Bharati came into existence in the year 1997. At the time of formation of Prasar Bharati, there were 198 categories of posts for which the Recruitment Rules (RRs) were to be formulated and got to be approved by the

Ministry of I&B/DOPT. Subsequently, following consultations with DOPT and the Department of Expenditure (DOE), the Prasar Bharati decided to reduce the number of cadres to 125. The regulations were to be scrutinized and notified in batches. The Committee note with profound concern that even after lapse of 18 years, the Prasar Bharati have been able to formulate and notify only 09 RRs. Consequently, the Prasar Bharati Recruitment Board, whose constitution depends on the finalization of all the Recruitment Rules, has not seen the light of the day even after 18 years of the formation of the Broadcasting Corporation. The matter has been inordinately delayed to say the least. Cautioning the Ministry/Prasar Bharati against the such unacceptable callousness, whatever reasons notwithstanding, the Committee exhort that, instead of leaving things to take their own course, the Ministry/Prasar Bharati should initiate and expedite urgent and effective measures to finalize all the remaining RRs at the earliest so that the Recruitment Board is constituted and over dependence on SSC/UPSC for recruitment in Prasar Bharati is minimized significantly. The Committee are hopeful that such finalization of the RRs and consequential formation of the Recruitment Board would take due care and protect the interest of casual, contractual and regular employees.

Reply of the Government

(A) Regarding Recruitment Regulations (RRs) for Prasar Bharati employees:

- iv. The Recruitment Regulations (RRs) for 122 categories of employees were notified in 2001-2002. These RRs were kept in abeyance because of dissatisfaction of the employees concerned. The Group of Ministers on Prasar Bharati (GOM) in their meeting held on 16.04.2010, directed to take immediate steps to frame and notify new RRs and service conditions for its employees. It was decided that the employees who were recruited till 05.10.2007. i.e. the employees who are on deemed deputation to the Prasar Bharati, shall continue to be governed by the existing RRs, framed under Article 309 of the Constitution and new RRs will be framed for the employees of the Prasar Bharati Corporation.
- v. The Prasar Bharati Board had approved draft RRs in respect of 195 categories of employees of the Prasar Bharati recruited after 5.10.2007, in April, 2010 which were subsequently referred to the Ministry. Following examination of the proposal in the Ministry, the draft RRs were referred to the Department of Personnel & Training (DOP&T). Several stages of consultations were held between the Ministry and the DOP&T. Based on the comments dated 26.3.2012 of the DOP&T and first stage comments of the Department of Expenditure (DOE) dated

27.6.2012, Prasar Bharati was requested to modify the draft RRs. In the meanwhile Prasar Bharati vide their letter dated: 05.06.2012 conveyed their decision to reduce the number of posts for which new Recruitment Regulations are to be framed to 125 categories of posts on account of merger of posts and dropping some cadres which were considered obsolete in view of technology change, administrative reasons, DOP&T instructions and functional requirement of Prasar Bharati.

- vi. As on 01.7.2015, new RRs in respect of 11 categories of posts covering 12,502 posts viz. Programme Executive, Transmission Executive, Engineering Assistant, Head Clerk, Technician, Cameraman Grade-II, News Reader-cum-Translator (NRT) cadres (viz. NRT Grade-I, NRT Grade-II and NRT Grade-III), Senior Financial Officer and Financial Officer to Chief Engineer (Civil), have been notified by Prasar Bharati with the approval of the Government. RRs pertaining to the remaining categories of posts are at various stages, including RRs in respect of 15 categories of posts are under inter-Ministerial consultation with the Department of Expenditure (DOE) and DOP&T, RRs in respect of 19 categories are under examination in the Ministry, Prasar Bharati has to furnish clarifications in respect of 43 categories of posts and RRs in respect of 37 categories of posts are yet to be originated from Prasar Bharati.

(B) Regarding Prasar Bharati Recruitment Board :

- v. As per section 10 of the Prasar Bharati Act, 1990, Prasar Bharati Recruitment Board (PBRB) is to be constituted. A draft Cabinet Note for creation of posts of Chairperson and Members of PBRB, at the level of Additional Secretary and Joint Secretary respectively, was circulated on 16.7.2014 for inter-ministerial consultation. The proposal was re-examined in the light of the comments received from PMO and Ministry of Finance.
- vi. In a meeting between Secretary (I&B) and CEO, Prasar Bharati (PB) held on 01.12.2014, the Ministry had shared comments of other Ministries/ Departments received against the draft Cabinet Note with PB. Further, it was decided that Prasar Bharati would forward a proposal for revising the Cabinet Note, in the light of comments received.
- vii. Prasar Bharati forwarded the revised draft Cabinet Note and the Rules for setting up of Prasar Bharati Recruitment and Services Board (PBRSB)

on 19.3.2015. The proposal has been examined in the Ministry. It has been observed that the proposal envisages substantial modification in the draft Rules for PBRB, prepared by the Ministry on the basis of approved proposal of Prasar Bharati Board (in the meeting dated 16.05.2012) and following inter-Ministerial consultations with DOP&T, Department of Expenditure (DOE) and Ministry of Law.

- viii. Since the new modifications suggested by Prasar Bharati at this stage, require fresh approvals of PMO, DOE and DOP&T, Prasar Bharati has been requested on 29.4.2015 to forward firmed up proposal with the approval of the Prasar Bharati Board.
- ix. In the matter, a meeting was also held with Member (Personnel), Prasar Bharati on 12.5.2015 wherein this issue of PBRB was discussed at length. In the meeting, Member (Personnel) mentioned that he would discuss the matter with Chief Executive Officer and Chairperson, Prasar Bharati for a final decision. Reply of PB is still awaited.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

CHAPTER-V**OBSERVATION/RECOMMENDATION IN RESPECT OF WHICH REPLIES OF
THE GOVERNMENT ARE INTERIM IN NATURE****(Recommendation No.3)**

The Committee note that the casual workers/artists of Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra Srinagar worked in extreme conditions at the time of insurgency (1990 onwards) for different assignments like announcers, drivers, cooks, helpers, typists, programme staff, newsreaders etc. as regulars workers either left the State or stayed away from work due to insurgency. These casual workers contributed immensely towards running successfully the public broadcasting/telecasting services in the insurgency prone State, even risking their lives. One such casual worker reportedly lost his life when the DDK, Srinagar was attacked by the terrorists. The Committee note with profound concern that even after more than 20 years of continuous, dedicated and commendable services, these casual assignees have not been regularized though they were repeatedly assured at the time of their engagement that they would be absorbed in regular services in due course. These casual assignees have already given the prime period of their lives to these organizations without taking up any other assignment and in the hope that one day they would be regularized. Considering length of their service, age, proficiency in their respective fields, dedication and devotion to duty in severely hostile and adverse conditions all these years, the Committee are of the considered view that these assignees deserve special, sympathetic and favourable consideration. The Committee, therefore, urge that those casual assignees who have rendered decades of service should either be adjusted against the existing vacancies or some posts be created for them, as an exception and on special consideration, so that all of them are regularized before attaining the age of superannuation.

Reply of the Government

Prasar Bharati has informed that a Committee has been constituted to visit Srinagar and verify the data of casual artists engaged at Radio Kashmir Srinagar, CBS Radio Kashmir and Doordarshan Kendra Srinagar. In the Recruitment Regulations formulated/to be formulated in respect of various posts, a provision has been/ is being incorporated for providing age relaxation to casuals in direct recruitment. This relaxation is to the extent of service rendered by them as casual artist. Working for minimum 120 days in a year

makes them eligible for age relaxation of one year. This provision has already been implemented in the recent recruitment made through Staff Selection Commission (SSC) for the posts of Programme Executive, Transmission Executive and Production Assistant. On receipt of the report of the Committee which would indicate the actual and genuine number of casuals engaged, a view would be taken about the way forward of their regularization as per rules. Meanwhile orders for regularization of 233 casual artists who were eligible for regularization under 1992-94 Doordarshan scheme of regularization, have been issued (copy enclosed at Annexure II). In addition, 202 workers with temporary status have also been regularized (copy enclosed at Annexure III).

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.4)

The Committee are perturbed to find the unabated gross malpractices committed for years together in the appointment of casual assignees and their subsequent exploitation in Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar. It is a matter of serious concern that no specific procedure for booking of casuals was ever followed nor any records were maintained regarding the selection of such casuals. The Committee take serious note of the fact that certain persons were given regular employment, out of turn bypassing the normal recruitment process. The then Secretary, Ministry of Information & Broadcasting candidly admitted that there was no transparency in appointing them. As regards, remedial action taken, the Committee are informed that directions have been issued to all the Kendras to invariably send all the proposals for appointment/laying off the casual workers to the Prasar Bharati Corporation. So far as fixing of responsibilities is concerned, the CEO, Prasar Bharati has apprised that on the plea of insurgency in J&K, irregularities were committed by some Station Directors, who have since retired and it would be difficult to take action against them. He has, however, assured the Committee that every possible step would be taken to improve the situation. According to the Committee, it appears that earlier neither the Ministry nor the Prasar Bharati cared to find out the apparent irregularities committed by J&K Kendras. However, now that assurances have been given by both the Ministry and Prasar Bharati to stem the rot in the regional Kendras, the Committee trust that a robust mechanism would be put in place and monitoring system strengthened so as to foster transparency and stop recurrence of irregularities, as experienced in J&K Kendras.

Reply of the Government

As already indicated against para-3, Prasar Bharati has informed that a Committee has been constituted to visit Srinagar and verify the data of casual artists engaged at Radio Kashmir Srinagar, CBS Radio Kashmir and Doordarshan Kendra Srinagar. On receipt of the report of the Committee, necessary steps would be taken to strengthen the system and ensure transparency & stop recurrence of irregularities in the empanelment of casual artists. In the meantime instructions have been issued to develop a web-based software to monitor booking & payment in respect of casuals artists to ensure that malpractices are not committed in the matter of their bookings and payments. As a matter of precaution, all stations/channels of AIR situated in Delhi including the External Services Division do take an undertaking from the causal announcers being booked for a particular day that they are not being booked by any other AIR station/channel of Delhi on the same day. Instructions have been issued to both the Directorates to take strict action against persons violating guidelines issued by the respective Directorates on this issue.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

(Recommendation No.14)

The Committee are happy to note that pursuant to the advice of the Ministry of Labour and Employment to cover the casual announcers/artists/workers under ESI and Bonus, the Ministry of Information and Broadcasting has asked Prasar Bharati to take necessary action in the matter. The Committee trust that Prasar Bharati would take urgent action to cover all the casual assignees working in various Regional Kendras, especially in J&K, under ESI and Bonus schemes. As regards extending EPF facilities to the casual assignees, the Committee are informed that the facility extends to the whole of India except the State of J&K, as per EPF and Miscellaneous Provisions Act, 1952. The Committee would, however, like the Ministry of Information and Broadcasting/Prasar Bharati to explore the feasibility of extending any other similar or special social security to the casual assignees working in the J&K Kendras so that they are benefited appropriately and commensurately .

Reply of the Government

The matter would be examined in consultation with Prasar Bharati keeping in view the legal provisions and financial implications.

(Ministry of Information and Broadcasting's F.No. 45011/16/2011-BAP(Vol.III), dated 03/08/2015)

**New Delhi;
December, 2015
Pausa, 1937 (Saka)**

**DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR**

APPENDIX-I**Confidential****STANDING COMMITTEE ON LABOUR****(2015-16)****Minutes of the Sixth Sitting of the Committee**

The Committee sat on 03rd December, 2015 from 1030 hrs. to 1100 hrs. in Room No. '131' (Chairperson's Chamber), Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS**LOK SABHA**

1. Shri Satish Chandra Dubey
2. Shri Satish Kumar Gautam
3. Shri C.N. Jayadevan
4. Shri Bahadur Singh Koli
5. Shri Kaushalendra Kumar
6. Shri R. Parthipan
7. Shri Hariom Singh Rathore
8. Shri Naba Kumar Sarania

RAJYA SABHA

9. Shri P.L. Punia
10. Ms. Dola Sen
11. Shri Ravi Prakash Verma

SECRETARIAT

1. Shri K. Vijaykrishnan - Addl. Secretary
2. Shri Shiv Kumar - Joint Secretary
3. Shri Ashok Sajwan - Director
4. Shri D.R. Mohanty - Addl. Director
5. Smt. Archana Srivastva - Under Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened for consideration and adoption of two Draft Action Taken Reports. Giving an overview of the Recommendations made/reiterated in both the Draft Action Taken Reports, the Chairperson requested the Members to give their suggestions on them, if any.

3. The Committee, then, took up for consideration the following Draft Action Taken Reports and adopted them after some discussions:

(i) XX XX XX XX

(ii) Draft Action Taken Report on the Observations/Recommendations of the Committee contained in their Fourth Report (Sixteenth Lok Sabha) on 'Regularisation of casual workers/artists of Radio Kashmir, CBS Radio Kashmir and Doordarshan Kendra, Srinagar'.

4. The Committee then authorized the Chairperson to present the Reports to both the Houses.

The Committee then adjourned.

XX Do not pertain to this report

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

	Total	Percentage
I. Total number of Recommendations	14	
II. Observations/Recommendations which have been accepted by Government (Recommendation Para. Nos.,1,5,6,7,8,9,10,12,13)	09	64.3%
III. Observations/Recommendations which the Committee do not desire to pursue in view of Government's replies-	00	00
NIL		
IV. Observations/Recommendations in respect of which Government's replies have not been accepted by the Committee and which requires reiteration – (Recommendation Para. Nos. 2,11)	02	21.4%
V. Observations/Recommendations in respect of which replies of Government are of interim in nature (Recommendation Para. Nos.3,4,14)	03	14.3%
		----- 100% -----