

14

STANDING COMMITTEE ON LABOUR

(2015-16)

(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**[Action Taken by the Government on the Observations/
Recommendations of the Committee contained in their
Seventh Report (Sixteenth Lok Sabha) on 'Demands for
Grants (2015-16)' of the Ministry of Labour and
Employment]**

FOURTEENTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

March, 2016/Phalguna, 1937 (Saka)

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Seventh Report (Sixteenth Lok Sabha) on 'Demands for
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Employment]**

Presented to Lok Sabha on 15.03.2016

Laid in Rajya Sabha on 15.03.2016



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Sabha)

**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. Shri Dayakar Pasunoori

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. Shri N. Gokulkrishnan

SECRETARIAT

1. Shri K. Vijaykrishnan - Additional Secretary
2. Shri Ashok Sajwan - Director
3. Shri D.R. Mohanty - Additional Director
4. 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 Fourteenth Report on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Seventh Report (Sixteenth Lok Sabha) on 'Demands for Grants (2015-16)' of the Ministry of Labour and Employment.

2. The Seventh Report was presented to Lok Sabha and laid in Rajya Sabha on 23rd April, 2015. The Ministry of Labour and Employment furnished their replies indicating Action Taken on the Observations/Recommendations contained in the Seventh Report on 2nd March, 2016. The Committee considered and adopted the Draft Report at their sitting held on 11th March, 2016.

3. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Seventh 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;
11 March, 2016
21 Phalguna, 1937 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

CHAPTER-I

REPORT

This Report deals with action taken by the Government on the Observations/Recommendations of the Committee contained in their Seventh Report (Sixteenth Lok Sabha) on Demands for Grants (2015-16) of the Ministry of Labour and Employment.

2 The Seventh Report was presented to Lok Sabha and also laid in Rajya Sabha on 23rd April, 2015. It contained 14 Observations/Recommendations. Replies of the Government in respect of all the Recommendations have been received and are categorized as under:-

(i)	Recommendations/Observations which have been accepted by the Government – Para Nos. 1, 2, 3, 7, 8, 9, 10, 11, 12 and 14	Total: 10 percentage:71.5
(ii)	Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply – NIL	NIL
(iii)	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – Para No. 4, 5, 6 and 13	Total:04 Percentage:28.5
(iv)	Recommendations/Observations in respect of which replies of the Government are interim in nature- NIL	NIL

I. Issuance of U-WIN Cards

(Recommendation Para Nos. 4,5 and 6)

3. In their Seventh Report, the Committee had observed that the Ministry had initiated action in 2014 for issuance of identity cards namely U-WIN cards within three years to the unorganised sector workers under the Unorganised Workers' Social Security Act, 2008. However, expressing concern that modalities such as identification of workers, funding pattern, card issuing agency and the awareness campaign had not yet been completed, the Committee had impressed upon the Ministry to initiate urgent requisite measures to complete the formalities for issuance of I-Cards to the unorganised workforce within the stipulated timeline. The Committee had also exhorted the Ministry to take requisite measures to have seamless coordination with the State Governments so that the Implementing Agencies could be identified and the project of issuance of U-WIN cards be smoothly executed. Concerned with the possibility of duplication of cards in case of migrant workers, who might not have obtained/applied for UI number, the Committee had further recommended that an alternate fool-proof mechanism be put in place until such time all the migrant workers got UI numbers so as to prevent duplication of U-WIN cards.

4. In their Action Taken Note furnished to the Committee, the Ministry of Labour & Employment have submitted as under:

"As per the UWSSA 2008 the onus of registration and identification of Unorganized Workers and issuance of cards to workers is with the State Government/District Administration (Sub-section (3) of Section 10). Central Government envisages providing an IT platform to all states to facilitate portability of such cards. The software for IT platform and management of smart cards has already been developed by the Ministry. Further Central Government is re-examining the need to issue a separate smart Card in the light of the near universal coverage of Aadhaar. Now Central Government is considering the delivery of the most public welfare benefits through Aadhaar enabled platforms and DietY has been asked to prepare a policy on the delivery of various public services and social

security schemes using Aadhaar, Jan Dhan Policy(JDY) account and existing platforms without the issuance of new smart card."

5. The Ministry have further stated as under:

"The role of the Central Government is to develop standards, and a common IT platform to enable portability of cards issued by State Government/ District Administration. The Ministry had prepared necessary guidelines/Standards as IT application for identification and registration of Unorganised Workers.It has been decided by the Government that a new policy may be developed by Department of Electronics and Information Technology for delivery of various public services and social security schemes using Aadhaar, Jan Dhan Policy(JDY) account and existing platforms without the issuance of new smart card."

6. The Ministry have also submitted as follows:

"Aadhaar numbers to migrant workers and uncovered population are being issued by Department of Electronics and Information Technology. Aadhaar Number and existing individual Departmental access and validation systems will be used to deliver various social safety services to unorganized sector workers. It has been noted that the Aadhaar number was created as a universal unique identifier for each citizen and adding a UWIN number would not only duplicate the work but may also introduce further problems in linking up with other databases which have already been linked with Aadhaar. In view of the above, Central Government is preparing IT based Aadhaar linked platform for the delivery of various public services without the issuance of UWIN number or a new smart card."

7. The Committee note that the work relating to issuance of U-WIN cards has been withheld by the Ministry as the Union Government is preparing an IT based Aadhaar linked platform for delivery of various public services without the issuance of U-WIN card or a new smart card. The Committee further note that the Department of Electronics and Information Technology has been asked to develop a new policy for delivery of various Social Security Schemes using Aadhar, Jan Dhan Policy Account and the existing platforms. Since the Ministry of Labour and Employment are responsible for the welfare of workers who are mostly from the under-privileged section of society, the onus lies with

them to correctly inform beneficiaries with the means through which they can avail various services and Social Security Schemes. Needless to say, the Committee are concerned with the welfare of the unorganised sector workers, regardless of the name or number of cards. What matters is the timely provision of such cards through which the poor workers would be able to avail the benefits intended for them. The Committee, therefore, desire that once it is finally decided that all the benefits would be extended to the unorganised workers through Aadhaar Card, Jan Dhan Account, etc., the Ministry should undertake an awareness campaign amongst the beneficiaries through the print and electronic media as well as all the implementing agencies involved right from the Panchayat level so as to educate them about the new means for availing of various services and Social Security Schemes. The Committee specifically emphasize that since the Ministry are already having a data base of the identified beneficiaries for each of the Schemes run by them, they should make concerted efforts and coordinate with other agencies concerned to ensure speedy provision of issuance of Aadhaar Cards to the unorganised sector workers and facilitating Aadhaar linked platform for prompt delivery of various public services and Social Security Schemes to such workers.

II. Enhancement of Skill Development Infrastructure in Seven North Eastern States and Sikkim

(Recommendation Para No. 11)

8. In their earlier Report, the Committee had noted that the Scheme of enhancing skill development infrastructure in the seven North Eastern States and Sikkim was formulated in 2011 at a cost of Rs.57.39 crore for upgradation of 20 ITIs and augmenting infrastructural facilities in 28 ITIs. The Scheme was revised on 5th January, 2015 with an enhanced outlay of Rs.298.13 crore and

increasing the number of proposed new ITIs to 22 in the North Eastern States. The cost of establishment of new ITIs was also revised to Rs.9.5 crore from the initial estimate of Rs.6.22 crore, without furnishing any justification to the Committee. Opining that the delay in completing the formalities of any project undertaken invariably leads to cost escalation, the Committee had impressed upon the Ministry to take requisite measures, including provision of penalty clauses, so as to avoid further cost escalation and ensure completion of the new IITs in the North Eastern States within the stipulated time frame.

10. In their Action Taken Note furnished to the Committee, the Ministry of Labour & Employment have inter-alia stated that the Scheme “Enhancing Skill Development Infrastructure in Seven North Eastern States and Sikkim” has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, and that Ministry have been requested to furnish Action Taken Notes to the Committee. The reply of the Ministry of Skill Development and Entrepreneurship is as under:

"Cost of establishment of new ITI has been revised from Rs. 6.22 crore to Rs. 9.5 crore with the approval of EFC. The revision is mainly due to:

- a) Increase of plinth area rate in CPWD SOR.
- b) Inclusion of retaining wall at hilly areas.
- c) Increase in the cost of tools and equipment due to revision of approved list of tools and equipment.

Regarding delay in implementation of project, various measures were taken including review meetings with Sr. Officers of the State Governments. For completion of project as envisaged as well as provision of penalty clause will be taken up with the State Governments.

9. The Committee, in their earlier recommendation, had impressed upon the Ministry to take requisite measures, including provision of penalty clauses, so as to avoid further cost escalation setting up the ITIs. The Committee appreciate the assurance given by the Ministry of Skill Development and Entrepreneurship that they will be taking up the issue

of incorporation of the penalty clause with the State Governments. As the cost of these projects has increased manifold since their conceptualisation, the Committee call upon the Ministry of Skill Development and Entrepreneurship to expedite the provision of penalty clause in the agreements/tender documents so as to prevent further time overrun and the consequential cost escalation in the upgradation of the existing ITIs and setting up of new ITIs in the North-Eastern Region.

III. Proposed Trade Related Courses in the new ITIs.

(Recommendation at Para No. 12)

10. In their earlier Report, taking into consideration the fact that the proposed trade related courses to be introduced in the new ITIs were mostly relating to hospital house-keeping, Data Entry Operator, Hair & Skin Care, Stenography, etc. without any emphasis on the rich heritage of Handlooms and Handicrafts in the North-Eastern States, the Committee had recommended the introduction of advance courses in Handlooms and Handicrafts in the proposed new ITIs there.

11. In their Action Taken Note furnished to the Committee, the Ministry of Labour & Employment, while reiterating that the Scheme "Enhancing Skill Development Infrastructure in Seven North Eastern States and Sikkim" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, have forwarded the reply as received from the Ministry of Skill Development and Entrepreneurship which is as under:

"Short-term courses are being run in the North-Eastern States under Skill Development Initiative Scheme in the Handicraft and Handloom sectors.

States will be requested to identify more such courses including advance level courses in the said sectors as per the requirement of the region for introducing in the new ITIs as well as existing ITIs.

Presently, ITI in Tripura is conducting one year courses on 'Cane-Willow and Bamboo Workers'."

12. While taking note of the response of the Ministry of Skill Development and Entrepreneurship, the Committee desire that apart from conducting short-term courses in the Handicraft and Handloom Sectors, the Ministry should also prevail upon and encourage the North-Eastern States to identify more such courses with special emphasis on introduction of advance level courses in the said sectors in the existing and proposed ITIs in the region, which will not only help in developing variety of designs in the Handloom and Handicraft products but will also boost export of these items from the North-Eastern region.

IV. Revival/filling up of vacancies in CBWE as per the Evaluation Study.

(Recommendation para No.13)

13. In their Seventh Report, the Committee had observed that the V.V. Giri National Labour Institute, Noida, had conducted an evaluation study of performance of CBWE and had submitted their report with 18 recommendations which were under consideration of the Ministry. Taking note of the considerable delay in the implementation of the said recommendations, the Committee had desired that at least revival/filling up of vacancies in the CBWE be considered on priority so as to enable the Board to function smoothly and effectively.

14. In their Action Taken Note furnished to the Committee, the Ministry of Labour & Employment have stated as under:

"As on date the position of Education Officers in CBWE is as follows:-

Designation of Posts	Sanctioned Strength	Person in Position	No. of Vacant posts	Proposed to be Revived

Education Officer	181	107	74	74
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The 74 posts of Education Officers could not be filled up since 2005 as the matter regarding the pay scale of the Education Officers is subjudice w.e.f. 2010. Thus, recruitment rules could not be changed and the revival of posts could not be carried out .

Against the revival of 54 posts (Non Education Officers) given by the Ministry in December, 2013, it is to state that CBWE had filled up 15 posts. The remaining posts could not be filled up due to non-availability of required level Officers for conducting DPC, Selection etc. However, these remaining 39 posts shall now be filled up if revived again by MoF as the required officers are now available."

15. The Committee do not subscribe to the reasoning offered by the Ministry for the delay in filling up of 74 vacant posts of Education Officer, as these posts have been lying vacant since the year 2005 whereas the matter became sub-judice w.e.f. 2010. The Ministry owe a cogent explanation regarding the concrete initiatives taken by them during the period between 2005 and 2010 for filling up of the said vacancies. It is a matter of serious concern that nearly 11 years have elapsed in between during which period there might have been further shortage in the number of Education Officers due to retirement, resignation, attrition, etc. It is also incomprehensible that on the plea of the matter of pay scale of Education Officer being sub-judice, recruitment rules could not be changed and the much needed revival process could not be carried out. The Committee are of the firm view that there would be no difficulties/disputes in appointing the Education Officers and granting them interim pay scales, which could be suitably amended based on the outcome of the Court verdict. The Committee, therefore, stress that the revival process of these 74 posts may be taken up with the Ministry of Finance with a sense of urgency and commitment so that these vacant posts of Education Officers are filled up at an early date in the best interest of the CBWE.

16. The Committee are further anguished to note that 39 posts of Non-Education Officers could not be filled up due to non-availability of required level of officers for conducting DPC, Selection etc. What is more worrisome is the fact that even though the required level of officers for conducting DPC, etc. is now available, the 39 posts can be filled up only if the Ministry of Finance again revive the posts. The Committee are of the considered opinion that deserving and eligible persons have been suffering for no fault of theirs, but due to the inability of the Ministry to conduct DPC. The Committee, therefore, desire that the revival aspect of these posts be taken up urgently with the M/o Finance and the 39 vacant posts of Non-Education Officer be filled up at an early date. The Committee would also like to urge the Ministry to guard against recurrence of such unacceptable situations which are detrimental to the career prospects of the employees of CBWE.

CHAPTER-II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

(Recommendation No. 1)

The Committee are deeply concerned to note that the total budgetary allocations for plan expenditure of the Ministry for the 12th Plan period is Rs.13,223 crore against a projection of Rs.34,914 crore whereas during the first three years of the Plan period, the Ministry have been able to spend Rs.4582.86 crore only which constitutes less than forty per cent of the total plan allocations, leaving thereby more than 60 per cent of the funds to be utilized in the last two years of the plan period. The Committee are dissatisfied with the gross mismatches and variations between the Ministry's projections and actual sanction of funds by the Ministry of Finance. On the hindsight, it appears that the Ministry of Finance are justified in drastically reducing the 12th Plan proposal of the Ministry of Labour and Employment, because had the entire projected amount of Rs.34,914 crore been sanctioned, the overall scenario would have been more dismal in view of the expenditure trend of the Ministry in the last three years. The Committee, therefore, urge the Ministry to make their planning more realistic and projections more accurate so that they are able to maximize the utilization of funds allocated for Plan expenditure. The Committee also desire that the causes of consistent under utilization of funds be seriously looked into and appropriate remedial measures taken so as to ensure optimal utilization of the remaining amount of Rs.8640.14 crore in the last two years of the 12th Plan period.

Reply of the Government

The total budgetary allocations for plan expenditure of the Ministry for the 12th Plan period is Rs.13,223crore. Out of this amount Rs. 7316.00 Crore was allocated for the scheme 'Social security for Unorganised Workers including RSBY' which has been transferred to the Ministry of Health and Family Welfare. An amount of Rs. 4541.19 Crore was allocated to Training Directorate which has been transferred to the Ministry of Skill Development and Entrepreneurship. Allocation for other Schemes during Twelfth Five Year Plan now remaining with the Ministry is Rs. 1365.81 Crore. Accordingly, 'National Child Labour Project' is the Major Scheme accounting for 50% of plan allocations.The Ministry has intensified the monitoring. Five Regional conferences were held under chairmanship of Hon'bleMoS L&E (I/C) covering the entire country to engage with States regarding implementation of schemes.

Regular meetings are being held with States, to sensitize them on effective implementation of the schemes. In case of National Child Labour Project various communication are issued from time to time to Project Societies at District level who are implementing the Project and also reviewed through video conferencing periodically. To intensify the aspect of monitoring, officials are being deputed to inspect the project in the district. Expenditure is monitored on monthly basis. All the concerned officers have been instructed to continuously follow up and monitor the implementation of Schemes/Project, pace of expenditure and utilization of funds.

(File No. G -25015/1/2015-B&A)

(Recommendation No. 2)

According to the Ministry, one of the major Schemes i.e. Rashtriya Swasthya Bima Yojna (RSBY) which accounts for almost 60 per cent of the plan allocations was being revamped and its imminent transfer to the Ministry of Health and Family Welfare impacted the expenditure pattern during 2014-15. For shortfalls in expenditure in other Schemes, the Ministry have reasoned that it was due to receipt of less number of proposals from the State Governments. The Committee desire that the matter be taken up with the State Governments so that adequate and timely proposals are received enabling the Ministry to utilize the earmarked funds and achieve the physical targets set during 2015-16.

Reply of the Government

Response of Ministry of Labour and Employment

RSBY has been transferred to Ministry of Health and Family Welfare. As advised by the committee, the Ministry has started engaging with the State Governments to improve implementation of remaining schemes. Five Regional conferences were held under chairmanship of Hon'ble MoS L&E (I/C) covering the entire country to engage with states regarding implementation of schemes. Regular meetings are being held with States, to sensitize them on effective implementation of the schemes. In case of National Child Labour Project various communication are issued from time to time to Project Societies at District level who are implementing the Project and also reviewed through video conferencing periodically. To intensify the aspect of monitoring, officials are being deputed to inspect the project in the district. Expenditure is monitored on monthly basis. All the concerned officers have been instructed to

continuously follow up and monitor the implementation of Schemes/Project, pace of expenditure and utilization of funds.

Response of Ministry of Health & Family Welfare

MoHFW have no comments to offer on shortfall in expenditure for FY 2014-15. However, MoHFW has taken up the matter with State Governments to submit proposals for release of Central Share. They are being followed up.

(As received from MOHFW vide communication No. S.12012/189/2015-RSBY dated 16.12.2015)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 3)

The Ministry have deposed that in specific cases wherever the Finance Ministry's stipulations of the ceiling of 33 per cent expenditure in the last quarter and 15 per cent in the last month of a Financial year could not be adhered to, specific exemption from the Ministry of Finance was obtained. The Committee recommend that seeking such exemptions should not be a recurring phenomena and the Ministry should strive to maintain a balanced expenditure throughout the year so that their projections are not further curtailed at the 2015-16 RE stage and in the coming years too.

Reply of the Government

Response of Ministry of Labour and Employment

All the Divisions of this Ministry have been sensitized to maintain an even pace of expenditure throughout the year and to adhere to the instructions issued by the Ministry of Finance regarding Cash Management System.

Response of Ministry of Health & Family Welfare

Noted for compliance.

(As received from MOHFW vide communication No. S.12012/189/2015-RSBY dated 16.12.2015)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 7)

The Committee note that a new Scheme namely Recognition of Prior Learning (RPL) which would provide training at the construction site has been launched in October, 2014 to evaluate the skills of the construction workers. The Committee observe that the Scheme at present concentrates on the big sites where there are more than 200 unskilled and semi-skilled workers across the six trades viz. masonry, bar-bending, shuttering, carpentry, plumbing, painting and scaffolding. The Committee opine that the owners/contractors of big construction sites mostly engage semi-skilled/skilled workers for executing their work in today's mechanized work environment. In such a scenario, RPL Scheme may be more beneficial to the unskilled construction workers in the smaller sites to improve/upgrade their skills. The Committee, therefore, recommend that the Ministry should explore the feasibility of extending the RPL Scheme to the smaller sites too so that the very essence of the training programme is truly realized. The Committee also desire that while selecting the workers from the smaller sites they may be told in clear terms that they will not lose their wages for the duration of the training, as the wage compensation for the selected workers would be paid by Welfare Board from the Cess Fund.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme "Recognition of Prior Learning" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry's letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

The RPL scheme for Construction Workers was started as a pilot programme in the year 2014 and six trades namely masonry, bar bending, shuttering carpentry, plumbing, painting and scaffolding covering the majority of the workforce involved in construction were taken at the big construction sites as per the recommendations of the Working Group Committee under the scheme. Since the scheme has been well received by the target group, action is being taken to extend the activities of RPL scheme for implementation to smaller construction sites too,. In regard to the information to the construction workers that they will not lose their wages during assessment and training, training providers will inform the construction workers at the beginning of the training programme at their construction/training sites

(As received from MSDE's communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 8)

The Committee note that presently the RPL Scheme has been launched in five States/UTs viz. Haryana, Telengana, Delhi, Odisha and Chhattisgarh. 507 workers were pre-assessed in these States, out of which 316 workers were recommended for training whereas 181 workers appeared for final assessment and out of them 174 workers passed. The reasons offered by the Ministry for non-appearance of all the trainees in final assessment were that the construction workers leave the site to another site for better wages or due to their other personal problems and also that it is not mandatory for the selected workers to appear for the final assessment. The Committee are of the considered view that the whole exercise right from selection of workers to providing training and organising final assessment go futile in case the workers leave the training midway besides causing financial loss to the Cess Fund. The Committee feel that one of the reasons might be that the workers who are selected for such training might have acquired the skill while performing their job for which they do not find it attractive enough to continue with their present job. The Committee, therefore, recommend that utmost care be taken while selecting the construction workers for the training programme besides making it mandatory for them to complete the training and appear for final assessment so that the intent and object of the RPL Scheme come to fruition.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme "Recognition of Prior Learning" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry's letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

The training is provided at the Construction site and Training Providers set up training infrastructure at the construction site. The workers are pre-assessed at the pre-determined criteria and based on the outcome of the pre-assessment workers are provided skill gap training. The construction workers

who are recommended for skill gap training during pre-assessment are provided training and again undergo final assessment.

The workers are well informed at the beginning of training programme that they have to complete the training programme and appear for final assessment for certification. However, the guidelines of RPL scheme for Construction Workers are being revised to make it mandatory for construction worker to complete the training and appear for final assessment to fulfill the intent and object of the scheme.

(As received from MSDE's communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 9)

The Committee note that the Apprentice Protsahan Yojana was commenced in the month of October, 2014 to support manufacturing units and other establishments covered under the Apprentices Act, 1961 by reimbursing 50% of the stipend paid to the Apprentices during the first two years of their training. Initially the target is to cover one lakh Apprentices. However, the Committee find that during the six months since the Scheme was commenced only 758 apprentices have been engaged by the manufacturing units and other establishments covered under the Apprentices Act. The Committee desire that the manufacturing units and other establishments be asked to give wide publicity for the existing vacancies of Apprentices through print and electronic media so that these vacancies are filled up to the maximum extent to meet the requirement of the Industry. The Committee also recommend that possibility of engaging the CBWE to generate awareness amongst the un-employed youth be explored so that more and more people are engaged as Apprentices enabling the Ministry to meet the target of one lakh Apprentices sooner.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme "Apprentice ProtsahanYojna" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry's letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

- There are a large number of establishments including MSMEs where training facilities are available but could not be utilized because such, establishments express their inability to come under the Act indicating lack of support from Government.
- In order to utilize facilities available in MSMEs and other establishments and also to support them financially in terms of stipend to apprentices, Apprentice ProtsahanYojana (APY) was introduced.
- To popularize the Scheme amongst the MSMEs, workshops with MSMEs associations/representatives were convened.
- A web portal has been launched on Apprenticeship Training Accordingly, all the establishments including manufacturing units have been requested to register on the portal and declare the apprenticeship vacancies.
- Six RDATs are also conducting workshops with MSMEs in industrial clusters.
- All the RDATs are publishing advertisements on APY in leading newspapers in their respective regions quarterly requesting establishments to apply on the portal for availing the benefits of APY.
- As per the Scheme, initially two apprentices per industry were allowed to avail the benefits of the Scheme & in order to attract more and more MSMEs/private establishments; the ceiling has been raised to ten apprentices subject to ceiling of maximum of 50% of total number of apprentices in an organization.
- Possibility of engaging the CBWE to generate awareness amongst the unemployed youth is being explored.

(As received from MSDE's communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 10)

The Committee note that at present there is no established procedure for survey of establishments/manufacturing units to find out the exact training needs for the Apprentices. The Committee desire that the Regional Directorates of Apprenticeship Training should play a pro-active role in conducting surveys for locating the establishments/ manufacturing units who are covered under the Apprentices Act but are not engaging the requisite Apprentices. The

Committee also desire that besides routine inspections, surprise checks be conducted to gauge the quality of training provided to the Apprentices by these establishments so as to take timely corrective action to produce well trained and skilled workers.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme “Apprentice ProtsahanYojna” have been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry’s letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

- Earlier the Apprenticeship seats were located by the Apprenticeship Advisers on the basis of number of workers other than un-skilled, trade and infrastructure available in the establishments. The Apprentices Act, 1961 has been amended with effect from 22nd December 2014 to make it more responsive to industry and youth. As per the Act, it has been mandatory that within a financial year, each establishment shall engage apprentices in a band of 2.5% to 10% of the total strength of the establishment including contractual staff.
- All the six Regional Directorates of Apprenticeship Training (RDATs) and all the State Apprenticeship Advisers have been advised to request all the establishments under their control to adhere to engage apprentices minimum 2.5% of the total manpower strength of establishment and also make them aware to avail the benefits of APY.
- Awareness campaign/workshops in industrial clusters of the country have been planned in phased manner. 17 awareness campaigns/workshops were conducted in first phase in different industry clusters of the country in coordination with CII and FICCI.
- Similar Workshops/Meetings are being held regularly by all State Apprenticeship Advisers and six Regional Directorates of Apprenticeship Training (RDATs) in their respective State/Regions.
- Apprenticeship Advisers have been advised to conduct progressive trade tests of apprentices to check the quality of training.

(As received from MSDE’s communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 11)

The Committee note that the Scheme of enhancing skill development infrastructure in seven North Eastern States and Sikkim was formulated in 2011 at a cost of Rs.57.39 crore for upgradation of 20 ITIs and augmenting infrastructural facilities in 28 ITIs. The Scheme has been extended upto 31.03.2017 at a revised cost of Rs.149.80 crore with a new component for "Establishment of 14 ITIs" in seven North-Eastern States. The Scheme was further revised on 05.01.2015 with an enhanced outlay of Rs.298.13 crore and increasing the number of new ITIs to be established to 22 in 8 North Eastern States. The Committee further note that the cost of establishment of each new ITI has been revised to Rs.9.5 crore from the initial estimate of Rs.6.22 crore, without any justifications furnished. The Committee are of the opinion that delay in completing the formalities of any projects undertaken invariably leads to cost escalation. They, therefore, impress upon the Ministry to take requisite measures including provision of penalty clauses so as to avoid further escalation and ensure completion of new IITs in the North Eastern States within the stipulated time frame.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme "Enhancing Skill Development Infrastructure in Seven North Eastern States and Sikkim" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry's letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

Cost of establishment of new ITI has been revised from Rs. 6.22 crore to Rs. 9.5 crore with the approval of EFC. The revision is mainly due to:

- a) Increase of plinth area rate in CPWD SOR.
- b) Inclusion of retaining wall at hilly areas.
- c) Increase in the cost of tools and equipment due to revision of approved list of tools and equipment.

Regarding delay in implementation of project, various measures were taken including review meetings with Sr Officers of the State Governments. For completion of project as envisaged as well as provision of penalty clause will be taken up with the State Governments.

(As received from MSDE's communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 12)

The Committee note that the proposed trades to be introduced in the new ITIs are mostly relating to hospital housekeeping, Data Entry Operator, Hair & Skin Care, Stenography etc. However, the rich heritage in the field of Handlooms and Handicrafts in the North Eastern States has hardly been taken care of while proposing the trades in the new ITIs. The Committee are of the firm opinion that introducing trades for enhancing skills and market driven designing will not only help the workers engaged in this industry but also promote export oriented needs specific to the North Eastern Region. They, therefore, recommend that advance courses in Handlooms and Handicrafts should be introduced in the new ITIs proposed for the North Eastern States.

Reply of the Government

Response of Ministry of Labour and Employment

As the Scheme "Enhancing Skill Development Infrastructure in Seven North Eastern States and Sikkim" has been transferred to the Ministry of Skill Development and Entrepreneurship w.e.f 21.04.2015, they were requested to send Action Taken to Lok Sabha Secretariat vide this Ministry's letter No. G-20021/2/2015-B&A(pt) dated 26.05.2015. Copy of the communication was also endorsed to Lok Sabha Secretariat.

Response of Ministry of Skill Development & Entrepreneurship

Short-term courses are being run in the North-Eastern States under Skill Development Initiative Scheme in the Handicraft and Handloom sectors.

States will be requested to identify more such courses including advance level courses in the said sectors as per the requirement of the region for introducing in the new ITIs as well as existing ITIs.

Presently, ITI in Tripura is conducting one year courses on 'Cane-Willow and Bamboo Workers'.

(As received from MSDE's communication NO. DGET-4/1/2014-PCTdated 10.02.2016)

(File No. G -25015/1/2015-B&A)

(Recommendation No. 14)

The Committee are aware that the V.V. Giri National Labour Institute has been engaged in multifarious activities and is committed to promote a better understanding of labour problems and to find the avenues and means to tackle them. The Committee find that this Institute is the only one of its kind in India providing training to grass-root level workers in the trade union movement both in urban and rural areas. Since the Institute is also engaged in research-oriented jobs, the Committee desire, that it may be supported in terms of greater resource allocation and requisite manpower so that the multifarious activities undertaken by the premier Institute are facilitated and encouraged in the interest of millions of labourers.

Reply of the Government

The Institute, an Autonomous Body of the Ministry of Labour and Employment, Government of India set up in July 1974, is a premier Institute of Labour Research, Training and Education. Since its inception the institute has endeavored through research, training and publications to reach all those who are concerned with various aspects of labour, both in the organized and unorganized sectors. The focus of such endeavors has been the transfer of academic insight and understanding related to all the aspects of labour for application to policy formulation, legislation and action to ensure a just and proper place for labour in an egalitarian and democratic society. The Government reviews regularly the performance of the institute and takes necessary steps to strengthen it. Budget is released to VVG NLI based on demands projected by them. Ministry also has an MoU with them on annual basis.

(File No. G -25015/1/2015-B&A)

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. 4)

The Committee note that the Ministry have taken initiative to issue identity card namely U-WIN cards to the unorganised sector workers which would ensure that the unorganised workers get benefit from all social security schemes covered under the Unorganised Workers' Social Security Act, 2008. As per the NSSO data, there are approximately 48.37 crore unorganised workers who would be issued these cards within a period of three years. The Committee appreciate that the Ministry have initiated some steps to issue U-WIN cards to the unorganised workers albeit after six years of the promulgation of the Act. The Committee are, however, concerned to find that the modalities, such as, identification of workers, funding pattern, card issuing agency and the awareness campaign, have not yet been completed. With a view to meeting the deadline of three years, it is imperative that all the groundwork leading to the issuance of U-WIN Cards are completed within a definite timeframe so as to avoid time and cost overrun. The Committee, therefore, impress upon the Ministry to initiate urgent requisite measures in that direction so as to ensure the issuance of the cards to the unorganised workforce within the stipulated deadline.

Reply of the Government

As per the UWSSA 2008 the onus of registration and identification of UnorganizedWorkers and issuance of cards to workers is with the State Government/DistrictAdministration (Sub-section (3) of Section 10). Central Government envisages providing an IT platform to all states to facilitate portability of such cards. The software for IT platform and management of smart cards has already been developed by the Ministry. Further Central Government is re-examining the need to issue a separate smart Card in the light of the near universal coverage of Aadhaar. Now Central Government is considering the delivery of the most public welfare benefits through Aadhaar enabled platforms and DietY has been asked to prepare a policy on the delivery of various public services and social security schemes using Aadhaar, Jan DhanPolicy(JDY) account and existing platforms without the issuance of new smart card. **(File No. G -25015/1/2015-B&A)**

(Recommendation No. 5)

The Committee note that according to the Act, U-WIN cards are to be issued by the district administration to each unorganised worker within its jurisdiction. The role of the Ministry of Labour and Employment in issuance of U-WIN cards is to look after the financial aspects and to coordinate with the Departments identified by the State Governments to execute the job. Being aware of the various constraints/impediments in proper coordination between the Central and State Governments, as experienced umpteen times in many areas, the Committee exhort the Ministry to take requisite measures to have a seamless coordination with the State Governments so that the Implementing Agencies are timely identified and the project of issuing U-WIN cards is smoothly executed.

Reply of the Government

The role of the Central Government is to develop standards, and a common IT platform to enable portability of cards issued by State Government/ District Administration. The Ministry had prepared necessary guidelines/Standards as IT application for identification and registration of Unorganised Workers. It has been decided by the Government that a new policy may be developed by Department of Electronics and Information Technology for delivery of various public services and social security schemes using Aadhaar, Jan Dhan Policy(JDY) account and existing platforms without the issuance of new smart card.

(File No. G -25015/1/2015-B&A)

(Recommendation No. 6)

The Committee note that the migrant workers occupy the major percentage of unorganised workers and there is every possibility of duplication of cards as the migrant workers move from State to State. Though the Ministry have intimated that the card will be portable and seeded with Aadhar number and biometric de-duplication software is in-built in UIDAI database, there would be no possibility of duplication. The Committee feel that there would be a number of such workers amongst the unorganised workers who might not have obtained/applied for UI number. In such a scenario, the Committee recommend that an alternate fool-proof mechanism be put in place until such time all the migrant workers get UI numbers to prevent duplication of U-WIN cards. The Committee also desire that periodical awareness campaign be organised to educate the migrant workers about the advantage and benefit of registering for and obtaining the Unique Identification Number and the U-WIN cards.

Reply of the Government

Aadhaar numbers to migrant workers and uncovered population are being issued by Department of Electronics and Information Technology. Aadhaar Number and existing individual Departmental access and validation systems will be used to deliver various social safety services to unorganized sector workers. It has been noted that the Aadhaar number was created as a universal unique identifier for each citizen and adding a UWIN number would not only duplicate the work but may also introduce further problems in linking up with other databases which have already been linked with Aadhaar. In view of the above, Central Government is preparing IT based aadhaar linked platform for the delivery of various public services without the issuance of UWIN number or a new smart card.

(File No. G -25015/1/2015-B&A)

(Recommendation No. 13)

While examining the Demands for Grants (2013-14) of the Ministry, the Committee had noted that V.V. Giri National Labour Institute, Noida conducted an evaluation study of performance of CBWE and had submitted their report with 18 recommendations. The recommendations of the Institute were under consideration of the Ministry. Since, there is already considerable delay on the

part of the Ministry in implementing the recommendations of the Institute, the Committee desire that atleast revival/filling up of vacancies in the CBWE should be considered on priority so that the Board is able to function smoothly and effectively.

Reply of the Government

As on date the position of Education Officers in CBWE is as follows:-

Designation of Posts	Sanctioned Strength	Person in Position	No. of Vacant posts	Proposed to be Revived
Education Officer	181	107	74	74

The 74 posts of Education Officers could not be filled up since 2005 as the matter regarding the pay scale of the Education Officers is sub-judice w.e.f. 2010. Thus, recruitment rules could not be changed and the revival of posts could not be carried out .

Against the revival of 54 posts (Non Education Officers) given by the Ministry in December, 2013, it is to state that CBWE had filled up 15 posts. The remaining posts could not be filled up due to non-availability of required level Officers for conducting DPC, Selection etc. However, these remaining 39 posts shall now be filled up if revived again by MoF as the required officers are now available.

(File No. G -25015/1/2015-B&A)

CHAPTER-V

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

NIL

New Delhi;
11 March, 2016
21 Phalgun, 1937 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

STANDING COMMITTEE ON LABOUR

(2015-16)

Minutes of the Twelfth Sitting of the Committee

The Committee sat on 11th March, 2016 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

2. Dr. Boora Narsaiah Goud
3. Shri C.N. Jayadevan
4. Shri Kaushalendra Kumar
5. Shri R. Parthipan
6. Shri Hariom Singh Rathore
7. Shri Naba Kumar Sarania

RAJYA SABHA

8. Shri Nazir Ahmed Laway
9. Shri Aayanur Manjunatha
10. Shri P.L. Punia
11. Shri Rajaram
12. Haji Abdul Salam
13. Shri Ravi Prakash Verma
14. Shri N. Gokulakrishnan

SECRETARIAT

1. Shri K. Vijayakrishnan - Addl. Secretary
2. Shri Ashok Sajwan - Director
3. Shri D.R. Mohanty - Addl. Director
4. 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) Draft Action Taken Report on the Observations/Recommendations of the Committee contained in their Seventh Report (Sixteenth Lok Sabha) on Demands For Grants (2015-16) of the Ministry of Labour and Employment; and

(ii) XX XX XX XX

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 SEVENTH 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, 2, 3, 7, 8, 9, 10, 11, 12 and 14,	10	71.5%
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. 4, 5, 6 and 13)	04	28.5%
V. Observations/Recommendations in respect of which replies of Government are of interim in nature	00	00
NIL		
		----- 100% -----