

17

**STANDING COMMITTEE ON LABOUR
(2015-16)
(SIXTEENTH LOK SABHA)**

MINISTRY OF LABOUR AND EMPLOYMENT

**DEMANDS FOR GRANTS
(2016-17)**

SEVENTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

May, 2016/Vaisakha, 1938 (Saka)

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MINISTRY OF LABOUR AND EMPLOYMENT

DEMANDS FOR GRANTS

(2016-17)

Presented to Lok Sabha on 3rd May, 2016

Laid in Rajya Sabha on 3rd May, 2016



LOK SABHA SECRETARIAT

NEW DELHI

May, 2016/Vaisakha, 1938 (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
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. Vijayakrishnan - Additional Secretary
2. Shri N.C. Gupta - Joint Secretary
3. Shri Ashok Sajwan - Director
4. Shri D.R. Mohanty - Additional Director
5. Smt. Archana Srivastava - Under Secretary

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2015-16) having been authorized by the Committee do present on their behalf this Seventeenth Report on 'Demands for Grants (2016-17)' of the Ministry of Labour and Employment.

2. The Committee considered the Demands for Grants (2016-17) pertaining to the Ministry of Labour and Employment which were laid on the Table of the House on 14th March, 2016. After obtaining the Budget Documents, Explanatory Notes, etc., the Committee took evidence of the representatives of the Ministry of Labour and Employment on 28th March, 2016. The Committee considered and adopted the Report at their sitting held on 2nd May, 2016.

3. The Committee wish to express their thanks to the officers of the Ministry of Labour and Employment for tendering oral evidence and placing before them the detailed written notes and post evidence information as desired by the Committee in connection with the examination of the Demands for Grants.

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

New Delhi;
2nd May, 2016
12th Vaisakha, 1938 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

REPORT

PART-I

INTRODUCTORY

The Ministry of Labour & Employment is responsible for protecting and safeguarding the interests of workers, promotion of their welfare and providing social security to them, both in the organised and unorganised sectors. It aims to create a healthy work environment for higher production and productivity and to develop and coordinate employment services. The Ministry deals with 43 Labour Laws in the Central sphere.

(ii) Vision

2. To facilitate decent Working Conditions and Improved Quality of Life of Workers, Ensuring India without Child Labour in Hazardous Sectors and Enhancing Employability on a Sustainable Basis.

(iii) Mission

3. To enable formulating and Implementing Policies / Programmes / Schemes / Projects for Providing Social Security and Welfare, Regulating Conditions of Work, Occupational Health and Safety of Workers, Eliminating Child Labour from Hazardous Occupations and Processes, Promoting Harmonious Industrial Relations, Ensuring Enforcement of Labour Laws and Promoting Employment Services.

(iv) Objectives

4. The objectives of the Ministry are given below:

- I) Enhancing Welfare and Social Security Provisions for Unorganized Sector Workers.
- II) Providing Social Security to Organized Sector Workers.
- III) Eliminating Child Labour from Hazardous Occupations and Processes.

IV) Strengthening Employment Services.

V) Prevention and Settlement of Industrial Disputes and Strengthening Labour Laws Enforcement Machinery.

VI) Improving Safety Conditions and Safety of Workers.

(v) Functions

5. The main functions of the Ministry are given below:

- i. To Promote Harmonious Relations between Labour and Management and to Regulate Wages and other Conditions of Work in the Central sphere.
- ii. To Ensure Speedy Implementation of Labour Law Awards, Agreements, Code of Discipline, etc., for Improving Industrial Relations, with regard to Units in which the Central Government is the appropriate Government.
- iii. To Conduct Evaluatory Studies of Implementation of Labour Laws, Industrial Relations, Personnel Policies and Practices, etc. in Public Sector Undertakings.
- iv. To Regulate Working Conditions and Safety in Mines and Factories.
- v. To Provide Amenities to Workers Employed in the Mining Industry and Beedi Manufacturing.
- vi. To Assist in Rehabilitation of Bonded Labour.
- vii. To Provide Welfare Measures for Certain Sections of Unorganized Labour.
- viii. To Monitor the Running of Social Security Schemes, viz. Employees' State Insurance Corporation (ESIC) and Employees' Provident Fund Organization (EPFO).
- ix. To Lay Down Policy Framework for National Employment Service.
- x. To Conduct Programmes Relating to Employment Potential of Scheduled Caste (SC) and Scheduled Tribe (ST) Candidates through Coaching-cum-Guidance Centers (CGCs).

- xi. To Maintain Data on Wages, all Allowances and other Related Matters.
- xii. To Sensitize all Sections of Workers for their Active Participation in the Social and Economic Development of the Nation.
- xiii. To Collect and Publish Statistics to Conduct Enquiries, Surveys and Research Studies on Various Labour Subjects.
- xiv. To Undertake Education, Research and Advisory Service in the Field of Industrial Relations and Labour in General.

(vi) Autonomous Bodies

6. The following Autonomous Bodies are under the Ministry:
 - i. Employees' Provident Fund Organization (EPFO)
 - ii. Employees' State Insurance Corporation (ESIC)
 - iii. Central Board for Workers Education (CBWE)
 - iv. V.V. Giri National Labour Institute (VVG NLI)

(vii) Industrial Relations:

7. Labour Laws relating to Industrial Relations include:
 - (i) The Trade Unions Act, 1926
 - (ii) The Industrial Disputes Act, 1947
 - (iii) The Plantations Labour Act, 1951
 - (iv) The Industrial Employment (Standing Orders) Act, 1946
 - (v) The Payment of Bonus Act, 1965
 - (vi) Wage Board for Newspaper Employees
 - (vii) The Minimum Wages Act, 1948

8. Funds are allocated to the Ministry under the following major Heads:-
 - i. 2225 Welfare of SC/ST and Other Backward Classes
 - ii. 2230 Labour Employment and Training

- iii. 2251 Secretariat Social Services
- iv. 2552 Lum-sum-provision for North Eastern Region
- v. 3601 Grants-in-aid to State Governments
- vi 3602 Grants-in-aid to Union Territories' Governments
- vii. 4225 Welfare of SC/ST and Other Backward Classes
- viii. 4250 Capital Outlay on other Social Services

II. BUDGETARY PROVISIONS AND UTILISATION

9. The Demands for Grants of the Ministry of Labour and Employment for the year 2016-17 are given under Demand No.54. The detailed Demands for Grants of the Ministry were laid on the Table of the Lok Sabha on 14th March, 2016. The Budget Estimate of the Ministry showing Plan and Non-Plan expenditure for the year 2016-17 is as under:

(Rs. in crores)			
	Plan	Non-Plan	Total
Revenue	1538.00	4683.59	6221.59
Capital	12.00	9.01	21.01
Total	1550.00	4692.60	6242.60

III. ANNUAL PLAN 2015-16

10. An outlay of Rs.2153.02 crore was proposed for the Plan Schemes of the Ministry of Labour & Employment during the year 2015-16 which was drastically revised downwards to Rs.641.70 crore (29.80%) at the RE stage. The Actuals upto 31.01.2016 have been Rs.299.27 crore which is just 13.09% of the BE and 46.64% of RE. The Scheme-wise allocation *vis-a-vis* expenditure has been given in the following Statement:

Scheme-wise details of Plan Outlays & Expenditures (2015-16) upto 31/01/2016						
Sl. No	Schemes / Programmes	BE (2015-16)	RE (2015-16)	Expenditure (As on 31.01.2016 tentative)	Shortfall/excess exp., If any (as compared to RE)	% of Shortfall /excess Over RE
1	2	3	4	5	6	7
-	LABOUR (TOTAL)	168402.00	27814.00	11186.31	-	-
1	Labour Bureau (Total)	4332.00	4332.00	2158.26		
1.1	Research & Statistics	4332.00	4332.00	2158.26	2173.74	-50.18
2	Industrial Relations (Total)	1931.00	1831.00	1291.97	539.03	-29.44
2.1	Strengthening of Adjudication Machinery	700.00	600.00	378.90	221.10	-36.85
2.2	Machinery for Better Conciliation Service and Preventive Mediation on More Effective Enforcement of Labour Laws	1231.00	1231.00	913.07	317.93	-25.83
3	Working Conditions & Safety (Total)	2056.00	2656.00	1063.26	1592.74	-59.97
3.1	DGFASLI (Total)	610.00	910.00	269.29	640.71	-70.41
3.1.1	Development of Regional Labour Institute, Fardabad, as National Centre of Excellence	219.00	219.00	92.49	126.51	-57.77
3.1.2	Strengthening of DGFASLI Organisation and Occupational Safety and Health in Factories, Ports and Docks	387.00	687.00	176.80	510.20	-74.26
3.1.3	Establishment of Regional Labour Institute at Shillong for North East Region	4.00	4.00	0.00	4.00	-100.00
3.2	DGMS (Total)	1446.00	1746.00	793.97	952.03	-54.53
3.2.1	Soma / Study of Mines Accident and Development of Information System (SMAS) / Mine Accidents Analysis and Modernization of Information Database (MAMID)	500.00	500.00	386.47	113.53	-22.71

3.2.2	S&T Support / Augmentation of S&T Support and Human Resource Development and Human Resource Development of DGMS (SMRD) / Strengthening Facilities and Core Functions of DGMS (SOCFOD)	946.00	1246.00	407.50	838.50	-67.30
4	Social Security for Unorganised Sector Workers Scheme (Total)	132052.00	6484.00	357.88	6126.12	-94.48
4.1	Rashtriya Swasthya Bima Yojana / Health Insurance for Unorganised Sector Workers	14905.00	984.00	136.28	847.72	-86.15
4.2	Social Security for Unorganised Sector Workers	107147.00	5000.00	221.60	4778.40	-95.57
4.3	Unorganized Workers' Social Security Card	10000.00	500.00	0.00	500.00	-100.00
5	Child / Women Labour (Total)	25000.00	9950.00	4449.99	5500.01	-55.28
5.1	Grants-In-Aid to Voluntary Agencies	100.00	50.00	0.00	50.00	-100.00
5.2	National Child Labour Policy	24900.00	9900.00	4449.99	5450.01	-55.05
6	Labour Education (Total)	2757.00	2237.00	1641.65	595.35	-26.61
6.1	Grants to Central Board for Workers Education (CBWE)	2120.00	1600.00	1004.65	595.35	-37.21
6.2	Grants to V.V. Giri National Labour Institute (VVGNI)	637.00	637.00	637.00	0.00	0.00
7	Others Expenditure (Labour)	274.00	324.00	223.30	100.70	-31.08
7.1	Information Technology	224.00	290.00	205.67	84.33	-29.08
7.2	Grants-in-Aid to Research / Academic Institutions	50.00	34.00	17.63	16.37	-48.15
-	<u>DIRECTORATE OF EMPLOYMENT (TOTAL)</u>	<u>2890.00</u>	<u>7190.00</u>	<u>4820.55</u>	2369.45	-32.95
8.1	Vocational Rehabilitation Centres (VRCs)	660.00	660.00	361.14	298.86	-45.28
8.2	Employment Exchanges (National Career Services)	1000.00	5300.00	3802.52	1497.48	-28.25
8.3	Welfare of SC / ST & Other Backward Classes (Coaching-Cum-Guidance Centres for SC / ST)	1230.00	1230.00	656.89	573.11	-46.59
-	<u>DIRECTORATE OF TRAINING (TOTAL)</u>	<u>44010.00</u>	<u>29166.00</u>	<u>13920.23</u>	15245.77	-52.27
	<u>(A) Central Sector Scheme for Training (Total)</u>	<u>33610.00</u>	<u>17110.00</u>	<u>9308.57</u>	7801.43	-45.60
9	Training of Highly Skilled Craftsmen and Supervisors (Total)	25800.00	11965.00	5754.73	6210.27	-51.90

	Diversification, Upgradation & Expansion of Training to Women / Upgradation of Training Institutes	25800.00	11965.00	5754.73	6210.27	-51.90
10	(c) Apprenticeship Training (Total)	300.00	300.00	225.00	75.00	-25.00
	National Instructional Media Institute at Chennai	300.00	300.00	225.00	75.00	-25.00
11	Other Expenditure - Training (Total)	7510.00	4845.00	3328.84	1516.16	-31.29
	(d) Vocational Training Project	2910.00	5.00	1.28	3.72	-74.40
	Participation in World Skills Competition					
11.1	Kaushal Vikas Yojana	0.00	0.00	0.00	0.00	
11.2	E-learning & Distance Learning Programme	1000.00	0.00	0.00	0.00	
11.3	Re-engineering of NCVT & Development of National Vocational Qualification Framework	300.00	0.00	0.96	-0.96	#DIV/0!
11.4	International Cooperation in Skill Development, including Foreign Training	10.00	1.00	0.00	1.00	-100.00
11.5	Setting up of ATIs & RVTIs	1200.00	4.00	0.32	3.68	-92.00
11.6	Setting up of National Workers Technical University	200.00	0.00	0.00	0.00	
11.7	Setting up of New Regional Directorates of Apprenticeship Training (RDAT) (New Scheme)	200.00	0.00	0.00	0.00	
	(e) Externally Aided Project for Reforms & Improvement in Vocational Training Services (Central Sector)	1000.00	1000.00	421.26	578.74	-57.87
	(f) Skill Development Mission	3600.00	3840.00	2906.30	933.70	-24.32
12	(B) Centrally Sponsored Scheme of Training - Training of Craftsmen and Supervisors (Total)	10000.00	11656.00	4611.66	7044.34	-60.44
	Externally Aided Project for Reforms & Improvement in Vocational Training Services rendered by Central & State Governments					
	Skill Development Mission (EAP)	1000.00	1000.00	970.27	29.73	-2.97
	Skill Development Mission (General)	9000.00	10656.00	3641.39	7014.61	-65.83

13	(C) Grants-in-Aid to Union Territories' Governments (Total)	400.00	400.00	0.00	400.00	-100.00
13.1	Externally Aided Project for Reforms & Improvement in Vocational Training services	0.00	0.00	0.00	0.00	0.00
13.2	Skill Development Initiative	400.00	400.00	0.00	400.00	-100.00
	Grand Total (Ministry of Labour & Employment)	215302.0	64170.0	29927.09	34242.91	-53.36
-		0	0			

11. Asked to furnish the reasons for higher projection at BE level and later slashing it drastically to 29.80% at the RE stage and then not utilising even 50% of the allotted allocation, the Ministry, in their written reply, submitted as under:

"Ministry was allocated an amount of Rs. 2153.02 crore for the Plan Schemes for the year 2015-16 on the basis of pace of expenditure during previous year, i.e. 2014-15 and also projected expenditure for financial year 2015-16. During the year, following significant developments took place:

(a) Rashtriya Swasthya Bima Yojana was transferred to the Ministry of Health and Family Welfare w.e.f. 01.04.2015. Accordingly an amount of Rs. 1000 crore was made available to Ministry of Health & Family Welfare. Rs. 650 crore was surrendered to Ministry of Finance and Rs. 350 crore was authorized to Ministry of Health & Family Welfare. This component was further reduced to Rs. 50 crore at RE stage.

(b) Training part of Directorate General of Training was also transferred to the Ministry of Skill Development and Entrepreneurship w.e.f. 20.04.2015. Accordingly an amount of Rs. 380.44 was transferred to them.

Thus the effective B.E. 2015-16 left with the Ministry was Rs. 772.58 crore (2153.02-1000-380.44cr). Further, scheme namely Unorganized Worker's Social Security Card scheme could not be finalized. Therefore, allocated amount of this scheme i.e. Rs. 320.52 crore (except for Rs 3.61 crore) remained unspent. Scheme-wise status is given below: -

Sl. No	Division(s)/Schemes	BE 2015-16	RE 2015-16	Actual Expenditure (upto 31.3.2016 Tentative)
1	2	3	4	5
1	DGE&T	469.00	363.56	271.75
	i. SDM	(380.44)	(252.00)	(174.85)
	ii. Employment	(88.56)	(111.56)	(88.13)

2	Occupational Health & Safety (DGMS & DGFASLI)	20.56	26.56	15.18
3	Industrial Relations	19.31	18.31	15.33
4	Child Labour	250.00	99.50	93.21
5	Labour Statistics	43.32	43.32	30.01
6	National Labour Institute (NLI)	6.37	6.37	6.37
7	Grants-in-aid Scheme for Research Studies	0.50	0.34	0.23
8	Workers' Education	21.20	16.00	11.30
9	Information Technology	2.24	2.90	2.71
10	Social Security for unorganized Sector Workers, including Rashtriya Swasthya Bima Yojana (RSBY)	1320.52	64.84	44.61
	i. RSBY	(1000.00)	(50.00)	(41.00)
	ii. UWIN Card	(320.52)	(14.84)	(3.61)
	TOTAL	2153.02	641.70	490.69

	Effective	772.58	339.70	274.84

On account of transfer of RSBY, Budget allocation under the various schemes was revised in the Revised Estimates from Rs. 2153.00 crore to 641.70 crore (including Rs. 50 crore for RSBY and Rs. 252.00 crore for DGET)

Ministry have been able to spend Rs 272.57 crore against the effective RE 2015-16 of Rs. 339.70 crore, which accounts for 80.24 %. In addition, Agent Ministries (MoUD, I&B & Statistics & PI) were authorized an amount of Rs 36.42 crore out of RE 2015-16. Final accounts in respect of them are awaited. Therefore, it may be mentioned that BE 2015-16 included schemes which have since been transferred out of Ministry of Labour & Employment. These schemes accounted for 64% of total budget. The budgetary provision had to be slashed down largely in RE on account of transfer of schemes.

The Ministry have utilized more than 80% of the RE pertaining to its schemes."

12. Responding to a specific query of the Committee as to how the Ministry would utilise the unspent funds during the remaining period of the financial year, the Ministry, in their written reply, submitted that almost 80% of the effective budget allocation has been utilized by the Ministry as per provisional figure for 31st March 2016.

13. The Committee then asked whether the Ministry were strictly adhering to the Instructions/Guidelines issued by the Ministry of Finance to observe the ceiling of 33 per cent expenditure in the last quarter and 15 per cent in the month of March every financial year. In reply, the Ministry stated that they strictly adhere to the guidelines/ instructions issued by the Ministry of Finance. In specific cases wherever the stipulation of 33% expenditure in the last quarter of the financial year and 15% in the last month of the financial year could not be adhered to, specific exemption from the Ministry of Finance was obtained.

IV. ANNUAL PLAN 2016-17

14. Asked to furnish the details of the Budget proposals of the Ministry for the year 2016-17 and the amount actually provided by the Ministry of Finance, the Ministry informed that proposal for Plan allocation for the year 2016-17 sent to the Ministry of Finance was for Rs.1260.26 crore. This proposal included provision of Rs. 450.00 crore transferred to Department of Financial Services in 2015-16. The Ministry of Finance made plan allocation of Rs. 1000.00 crore for 2016-17, including Rs.450 crore for the Aam Admi Bima Yojana. Subsequently Rs.1000.00 was provided for the Pradhan Mantri Rojgar Protsahan Yojana. In order to ensure convergence, all insurance and pension schemes with social security implications, should be managed by the Department of Financial Services. Therefore, MOF decided to transfer AABY to

the Department of Financial Services in 2016-17. Accordingly, Plan allocation for MOLE in 2016-17 is Rs. 1550.00 crore as per the following statement:

Ministry of Labour & Employment			
Scheme-wise details of Plan Outlay Proposed & Accepted Plan Outlay 2016-17			
Sl. No	Schemes / Programmes	(Rs. in Lakhs)	
		Proposed BE (2016-17)	Accepted BE (2016-17)
1	2	3	4
-	LABOUR (TOTAL)	126026.00	155000.00
1	Labour Bureau (Total)	6617.00	5550.00
1.1	Research & Statistics	6617.00	5550.00
2	Industrial Relations (Total)	3574.00	2500.00
2.1	Strengthening of Adjudication Machinery	1100.00	850.00
2.2	Machinery for Better Conciliation Service and Preventive Mediation on More Effective Enforcement of Labour Laws	2474.00	1650.00
3	Working Conditions & Safety (Total)	3839.00	3380.00
3.1	DGFASLI (Total)	933.00	1130.00
3.1.1	Development of Regional Labour Institute, Fardiabad, as National Centre of Excellence	299.00	355.00
3.1.2	Strengthening of DGFASLI Organisation and Occupational Safety and Health in Factories, Ports and Docks	629.00	771.00
3.1.3	Establishment of Regional Labour Institute at Shillong for North East Region	5.00	4.00
3.2	DGMS (Total)	2906.00	2250.00
3.2.1	Soma / Study of Mines Accident and Development of Information System (SMAS) / Mine Accidents Analysis and Modernization of Information Database (MAMID)	660.00	780.00

3.2.2	S&T Support / Augmentation of S&T Support and Human Resource Development and Human Resource Development of DGMS (SMRD) / Strengthening Facilities and Core Functions of DGMS (SOCFOD)	2246.00	1470.00
4	Social Security for Unorganised Sector Workers Scheme (Total)	75000.00	14450.00
4.1	Rashtriya Swasthya Bima Yojana / Health Insurance for Unorganised Sector Workers		
4.2	Social Security for Unorganised Sector Workers		
4.3	Unorganized Workers' Social Security Card	22200.00	14150.00
4.4	Rehabilitation of Bonded Labour	3300.00	300.00
4.5	Aam Admi Bima Yojna	49500.00	0.00
5	Child / Women Labour (Total)	17500.00	14000.00
5.1	Grants-In-Aid to Voluntary Agencies	100.00	50.00
5.2	National Child Labour Project	17400.00	13950.00
6	Labour Education and Research (Total)	2739.00	2600.00
6.1	Grants to Central Board for Workers Education (CBWE)	1987.00	1500.00
6.2	Grants to V.V. Giri National Labour Institute (VVGNI)	702.00	1100.00
6.3	Grants-in-Aid to Research / Academic Institutions	50.00	550.00
7	Others Expenditure (Labour)	240.00	300.00
7.1	Information Technology	240.00	300.00
-	<u>DIRECTORATE OF EMPLOYMENT (TOTAL)</u>	<u>16517.00</u>	<u>112220.00</u>
8.1	Vocational Rehabilitation Centres (VRCs)	2550.00	840.00
8.2	Employment Exchanges (National Career Services)	12587.00	10000.00
8.3	Welfare of SC / ST & Other Backward Classes (Coaching-Cum-Guidance Centres for SC / ST)	1380.00	1380.00
8.4	Pradhan Mantri Rojgar Protshan Yojna	0.00	100000.00
-	<u>Grand Total (Ministry of Labour & Employment)</u>	<u>126026.00</u>	<u>155000.00</u>

15. In the above context, the Committee desired to know the basis on which the Ministry of Finance had curtailed the proposal of the Ministry by Rs.550.00 crore and the extent to which such curtailment would impact the implementation of the ongoing and new schemes. In reply, the Ministry submitted as under:

"Ministry had proposed Rs. 1260.26 crore under Plan allocation which included Rs. 500 crore proposed for Aam Admi Bima Yojana. With the transfer (back) of the scheme to DFS after submission of our budget proposal, the proposed BE 2015-16 for MoLE was actually left at Rs. 760.26 crore. However, we received Rs. 550.00 crore against proposed BE of Rs. 760.26 crore. Ministry of Finance allocates money to various Ministries/Departments keeping in view their pace of expenditure and future activities."

16. Asked about the roadmap prepared for the maximum utilization of the allocation during 2016-17, the Ministry informed that "the Minister of Labour and Employment is proposing to hold regional conferences in States to sensitize the officers to expedite proposals and the monitoring mechanism would be strengthened further."

V. NON-PLAN

17. Non-Plan Budgetary allocation (2016-17) on gross basis is Rs. 4903.98 crore. Recoveries account for Rs. 211.24 crore under Revenue section and Rs. 0.14 crore under Capital section, leading to net budget Rs. 4692.60 crore under Non-Plan. The expenditure on Labour Welfare schemes is met from five Labour Welfare Funds. The Employees' Pension Scheme, 1995 under Social Security with a budgetary allocation of Rs. 4050.19 crore accounts for 82.59% of Non-Plan budgetary allocation of Rs. 4903.98 crore (on gross basis).

18. The Non-Plan allocation for the year 2015-16 vis-a-vis expenditure upto 31st January, 2016 as furnished by the Ministry is as under:

NON-PLAN																
															Rs. in crores)	
	BE 13-14	RE 13-14	Exp. 13-14	% Exp over BE	%Ex p. over RE	BE 14-15	RE 14-15	Exp. 14-15	% Exp over BE	%Ex p. over RE	BE 15-16	RE 15-16	Exp. Upto Jan. 16 (tentati	% Exp over BE	%Ex p. over RE	BE 16-17

													ve)			
1. Secretariat Social Services	36.67	35.18	32.98	89.94	93.75	39.05	39.25	33.93	86.89	86.45	43.08	42.93	35.76	83.01	83.30	47.89
2. Research and Statistics	9.13	8.98	9.39	102.85	104.57	9.81	9.81	8.38	85.42	85.42	10.66	9.78	8.05	75.52	82.31	11.08
3. Industrial Relations	46.05	45.04	44.51	96.66	98.82	49.19	47.69	42.28	85.95	88.66	51.49	50.82	41.16	79.94	80.99	58.16
4. Working Condition & Safety	58.58	56.07	56.52	96.48	100.80	61.3	63.78	58.34	95.17	91.47	69.14	66.74	58.51	84.63	87.67	75.83
5. Labour Welfare Scheme	264.73	247.37	203.96	77.04	82.45	272.90	249.00	193.89	71.05	77.87	290.00	285.94	113.37	39.09	39.65	302.44
6. Transfer to Reserve Fund	193.15	193.15	287.27	148.73	148.73	194.98	193.87	119.09	61.08	61.43	207.34	207.34	134.51	64.87	64.87	211.38
7. Social Security	2056.88	2051.66	2033.16	98.85	99.10	2556.88	2301.19	2290.00	89.56	99.51	2557.90	3557.90	2267.90	88.66	63.74	4068.09
8. Labour Education	56.90	49.93	43.83	77.03	87.78	54.42	48.98	48.46	89.05	98.94	57.68	57.68	57.31	99.36	99.36	57.68
9. International Co-operation	9.91	18.41	17.60	177.60	95.60	14.08	19.07	16.43	116.69	86.16	17.61	17.69	17.56	99.72	99.27	17.61
10. Other Items	0.74	0.67	0.16	21.62	23.88	0.74	0.44	0.23	31.08	52.27	0.78	0.7	0.53	67.95	75.71	0.78
11. Employment	38.24	36.98	36.64	95.82	99.08	40.72	40.50	35.11	86.22	86.69	43.99	41.05	34.64	78.75	84.38	46.49
12. Training	52.16	50.65	50.80	97.39	100.30	55.39	55.15	48.77	88.05	88.43	59.95	56.39	46.36	77.33	82.21	0
13. Welfare of SC/ST and OBCs	5.11	4.81	4.86	95.11	101.04	5.25	5.61	4.92	93.71	87.70	6.07	5.76	4.88	80.40	84.72	6.55
Total	2828.25	2798.90	2821.68	99.77	100.81	3354.71	3074.34	2899.83	86.44	94.32	3415.69	4400.72	2820.54	82.58	64.09	4903.98

19. Asked about the reasons for the upward revision at the RE stage when the actuals were not even touching the BE and the anticipated expenditure by 31st March, 2016, the Ministry replied that "the Central Government

contributes 1.16% of Employees wages under the Employees' Pension Scheme, 1995. This amount is given to EPFO and kept under Public Account. Further, Government has decided to pay minimum pension of Rs. 1000 per month under EPS, 1995 and the Government will bear extra liability in this regard. Therefore, there are outstanding arrears of approximately Rs. 5093.48 crore which are to be paid to EPFO under these schemes. The arrears are due to short budgetary provision in previous years. This issue was taken up with the Ministry of Finance during the pre-budget meeting and the Ministry of Finance agreed to provide additional fund of Rs. 1000.00 crore (Rs. 123.70 crore in cash and Rs. 876.30 by way of re-appropriation from the saving available in the Budget) under the scheme to make part payment of arrears. This additionality was made available in the third supplementary which was passed in March 2016. The entire additional amount provided by the Ministry of Finance has been paid to EPFO and, therefore, utilized. Non Plan expenditure of MoLE (provisional) was Rs. 4228.94 crore against RE of Rs 4400.72 crore."

20. The Committee then desired to know about the poor achievement under Non-Plan schemes operated by the Ministry under the five Welfare Funds during 2015-16, viz. (i) The Mica Mines Labour Welfare Fund Act, 1946; (ii) the Limestone & Dolomite Mines Labour Welfare Fund Act, 1972; (iii) the Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976; (iv) the Beedi Workers Welfare Fund Act, 1976; and (v) the Cine Workers Welfare Fund Act, 1981, and the reasons for shortfall in each of the Welfare Funds vis-a-vis corrective measures taken. The Ministry replied as under :

"In 2015-16, revenue in all the five Cess Funds was expected at Rs. 207.34 crore. The Ministry has already spent Rs. 112.48 crore on scholarship and housing subsidy under these funds. A total of 7,23,003 students have benefited as against the projected number of 7 lakh students in the Outcome Budget. In respect of Housing subsidy, the total number of beneficiaries during the current financial year is 13,393. The amount of Housing subsidy disbursed is Rs. 26.79 crore as against budgetary provision of Rs. 55.00 crore. The low outgo in disbursement of housing subsidy has been because of substantial decline in housing claims as the Revised Integrated Housing Scheme, 2007 was under revision."

21. Noting that there was under-utilisation of funds, and the reason given by the Ministry for under-utilisation was that 'saving was due to economy measures', the Committee desired to know the type of economy measures and whether there were instructions from the Ministry of Finance to follow economy measures even when the outlay of the Ministry was reduced to 30% at the RE stage. The Ministry replied that 'a general instruction was issued by the Ministry of Finance for 10% cut in Non-Plan expenditure by all Ministries/Departments. Accordingly, Non-Plan ceiling for 2014-15 was reduced at RE stage for 2014-15.'

22. The Committee further desired to know the reasons for less collection of Cess under the Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund, where a large number of units are involved in extraction of iron ore and manganese ore. The representatives of the Ministry, in response, stated as under:

"We agree to some extent, there may be some kind of under-collection at the field level because inspection mechanism is not very strong for evasion of cess collection. So far as iron ore and LSDM are concerned, our Welfare Commissioners are the authorities who basically get the return from the factory and then whatever is deposited by them is accepted as a collection."

VI. 12TH PLAN APPROVED OUTLAY AND EXPENDITURE

23. It has been observed from the documents furnished to the Committee that the proposed Outlay by the Ministry of Labour and Employment during the 12th Five Year Plan was Rs.34914.72 crore whereas the Approved Outlay was Rs.13223.00 crore. The cumulative Expenditure from 2012-13 to 2015-16 has been Rs.4855.24 crore. Further, it has been observed that the Rashtriya Swasthya Bima Yojana (RSBY) (Rs.1000.00 crore) and Skill Development Mission (Rs.380.44 crore) were transferred to the Ministry of Health & Family Welfare and the Ministry of Skill Development & Entrepreneurship, respectively, during 2015-16.

24. Asked about the year-wise Budget Estimate, Revised Estimate and actual utilization of funds from the year 2012-13 to 2015-16 along with reasons for shortfalls, if any, in the optimal utilization of funds, the Ministry furnished the following data:

Plan

(Rs. in Crore)

Year	BE	RE	AE	Remarks
2012-13	2522.44	2118.56	1702.89	The three major schemes being implemented by the Ministry were RSBY, schemes of DGE&T and National Child Labour project accounting for approximately 90% of the budget allocation for these years. Savings in these schemes were due to less receipt of proposals and non-receipt of Utilization certificates
2013-14	2446.10	1700.00	1594.00	
2014-15	2448.60	1430.53	1276.73	
2015-16	2153.02	641.70	490.69	

Tentative expenditure

25. It may be seen from the above that the estimates are revised downwards drastically at the RE stage and still do not match with the actuals. The Committee desired to know the reasons for under-utilization of funds year after year and the measures taken/proposed to ensure maximum Plan expenditure during 2016-17. The Ministry replied as under:

"It is true that Ministry has not been able to utilize 100% budget allocation in the Plan during previous years. However, this Ministry is continuously trying to improve the situation by strengthening monitoring mechanism in implementation of schemes. Status of Budget Estimates, Revised Estimates & Actual Expenditure under Plan and Non-Plan Heads during the last 3 years is given below:-

Year	Plan			Non Plan		
	BE	RE	AE	BE	RE	AE
2013-14	2446.10	1700.00	1594.00	2828.25	2798.90	2821.68
2014-15	2448.60	1430.00	1276.73	3354.71	3074.34	3043.93
2015-16	772.58	339.70	274.84*	3355.74	4344.33	4174.09*

*Tentative expenditure

Break-up of Plan expenditure with reference to major schemes is given below:-

RE	2013-14			2014-15			2015-16		
	AE	RE	AE	BE	RE	AE	BE		
RSBY	1265.00	872.00	887.67	1434.30	559.74	550.65	1000.00*	50.00	41.00**
DGET	853.09	617.61	510.99	693.85	618.15	532.28	380.44	252.00	174.85
Others	328.01	210.39	195.34	320.45	252.64	193.80	772.58	339.70	274.84
Total	2446.10	1700.00	1594.00	2448.60	1430.53	1276.73	2153.02	641.70	490.69

*Rs. 650 crore transferred to MOH&FW.

**Not included in the expenditure statement, it is reflected in Authorization statement."

It may be noticed from the Table above that the RSBY and DGET accounted for very significant component of total budget in the past 3 years. In 2015-16, the performance was poor on account of Scheme, namely, 'Unorganized Worker's Social Security Card Scheme', not getting finalized."

26. In the above context, the Committee desired to know the reasons for under-utilisation of funds and the name and number of Schemes/Projects that have been transferred to other Ministries/Departments during the 12th Plan period and how such transfer of Schemes had impacted utilisation of Budgetary Allocations of the Ministry. In reply, the Ministry submitted as under:

I) Total Plan allocation for Ministry of Labour and Employment for 12th Five Year Plan was Rs. 13223.00 crore. Details of the schemes transferred out of this Ministry are given below:

- a) Kaushal Vikas Yojana was transferred to MSDE in the Financial Year 2014-15.
- b) RSBY was transferred to Ministry of Health & Family Welfare w.e.f. 01.04.2015. RSBY was a component of the Scheme titled 'Social Security for Unorganized Sector Workers including RSBY'. An allocation of Rs. 7316.00 crore was provided for the Scheme in the 12th Plan period.
- c) Training Directorate was transferred to Ministry of Skill Development and Entrepreneurship on 20.04.2015. Plan allocation for Directorate of Training during 12th Five Year Plan was Rs.4498.19 crore.

II) Thus, effectively, in terms of Plan allocation, schemes worth approximately Rs. 11814.19 crore have been transferred out of Ministry of Labour and Employment accounting for 89% of Plan allocation for 12th Five Year Plan.

27. During evidence, the representatives of the Ministry informed as under:

"Primarily, the fund we used to spend earlier was for the National Health Insurance Scheme, however, when the R.S.B.Y. was being implemented, a number of states had not come on board and even today, in the R.S.B.Y., about 20-21 states only are on board. As it was not implemented across the country and as the allocation used to be quite hefty but its utilisation could not be done and since the last year, this Scheme has been transferred to the Ministry of Health, we transferred the last year's allocation to that Ministry which was not utilised by us. Secondly, as the hon'ble Member had been submitting, we had envisaged a scheme of U-Win Card and the idea behind it was to create an I.T. based platform for the workers of the unorganised sector to ensure that they could get the benefit of different schemes of different Ministries at one place. It was deliberated upon whether there was any need to issue separate smart cards to the people when Aadhar numbers have already been issued to almost hundred crore people...Due to this, as we could not implement these two major schemes through our Ministry, our fund could not be utilised. Our third major component was of training, skills, for which a new Ministry was formed and our part of work has been transferred to the Ministry of Skill Development. So, the fund meant for that is also not with us, but is being implemented through that Ministry."

VII. LABOUR STATISTICS

28. Labour & Employment Statistical Systems (LESS) is an umbrella scheme being implemented by the Director General, Labour Bureau, Chandigarh. The Scheme has two components, viz. (a) Consumer Price Index and (b) Surveys & Studies.

29. Under the Surveys & Studies, one of the works conducted by the Labour Bureau is Occupational Wage Survey (OWS). The first round of OWS was conducted in 1958-59 covering 44 industries belonging to manufacturing, mining and plantation sectors, followed by the second round in 1963-65 covering 45 industries belonging to these sectors in pursuance of the recommendation of the National Commission on Labour, 1969; the third round of OWS was conducted in 1974-79 covering 81 industries. The fourth and fifth rounds of OWS were conducted in 1985-92 and 1993-1999, respectively. Under the sixth round of OWS, it was proposed to cover 56 industries, out of which 37 industries have been covered and reports thereon released.

30. On perusal of the documents furnished by the Ministry, it was found that a proposal for conducting the 7th round of Occupational Wage Survey covering all the 56 industries was prepared and was under active consideration of the Ministry for the last two years. Asked about the reasons for the delay, the Ministry replied as under:

"The proposal for conducting 7th round of Occupational Wage Survey submitted to the Ministry in the year 2014 was examined in the Ministry. During the examination certain clarifications were required and were called for from the concerned office. The exercise, inter-alia, also included submission of revised proposal on Occupational Wage Survey to the Ministry. The proposal was finally approved by the Ministry in February, 2016.

The original proposal for conducting 7th round of OWS sent to the Ministry was subsequently revised as advised by the Ministry. Sanction for the proposal has been conveyed to Labour Bureau in February, 2016 by the Ministry."

31. The Committee then wanted to know the reasons for covering only 37 industries out of the proposed 56, the Ministry replied as under:

"In the beginning of the year 2009, the Ministry asked Labour Bureau to initiate undertaking Quick Quarterly Employment Surveys (QES) to study the impact of economic slowdown and employment in India in the selected sectors of economy which were supposed to be affected more by the slowdown. At that stage, the 6th round of OWS was in progress and Labour Bureau had already covered 37 industries (belonging to Service Sector, Plantation Sector, Mine Sector and Manufacturing Sector) by the time Labour Bureau initiated conducting of OWS. As no additional manpower was made available to Labour Bureau for this new activity of national importance, Labour Bureau was left with the only option to utilize the available manpower for Quarterly Quick Employment Surveys which are being undertaken since January, 2009. This resulted in according low priority to ongoing activities, including OWS, since the year 2009. Because of large gap occurred between different phases of OWS on account of diversion of man power for Quarterly Quick Employment Survey, it became technically desirable that the coverage of the 6th round of OWS is restricted to the industries already covered by 2009, i.e. 37, and that a new round of OWS is initiated to cover all the proposed industries with minimum possible spread of time. This was necessitated because of the reason that the data collected during OWS is also utilized to revise the base of Wage Rate Indices being compiled by the Labour Bureau, for which all industries need to be covered within the shortest possible spread of time. This is evident from the fact that Labour Bureau now proposes to cover all industries in the 7th round of OWS in a period of one year, for which approval has been accorded by the Ministry in February, 2016."

32. Asked about the details of the users of such data which is collected by the Labour Bureau and how it compares with the data collected by the NGOs/Private Parties, the Ministry replied as under:

"The Central Ministries, Reserve Bank of India, NITI Aayog, National Skill Development Agency, International Monetary Fund, International Labour Organization, Academic & Research Institutes and Research Scholars invariably use data collected under Employment and Unemployment Survey. The data is of paramount importance to planners and policy makers, both at the Centre and States/UTs.

The data collected by Labour Bureau is under the guidance of the Expert Group constituted by Ministry of Labour & Employment and also based on sound statistical theory and methods. The sample size for these surveys is around 1.4 lakh households which is quite a robust sample to have reliable estimates. The data collected by Labour Bureau has not been compared with the data collected by NGOs/private parties."

VIII. SOCIAL SECURITY FOR LABOUR

33. The Unorganised Workers' Social Security Act, 2008 provides social security and welfare to the unorganised sector workers. Every unorganised sector worker is to be registered and issued an identity card by the District Administration which shall be a smart card carrying a unique identification number and shall be portable. During 2015-16, a new initiative was taken by the Ministry to issue U-WIN Card to unorganised sector workers to enable them to get benefit of all social security schemes under the Unorganised Workers' Social Security Act, 2008. Later on, this initiative was withheld as per the decision taken and was decided to extend the social security benefits through ADHAAR Card.

34. On perusal of the documents furnished by the Ministry to the Committee, it was observed that a provision of Rs.141.50 crore against the demand of Rs.222.00 crore has been made during the year 2016-17 for the Unorganized Workers' Social Security Card. Asked about the nature of Cards proposed to be issued during this year, the Ministry replied as under:

The Social Security service delivery mechanism proposed by this Ministry for Unorganized Workers(UoWs) was based on the following:

- i) Making a unified database of unorganized workers using SECC database as base data and collecting additional information from beneficiaries during registration.
- ii) Issuance of smart card to Unorganized Workers.
- iii) Development of service delivery mechanism using smart card on this platform by the scheme Ministries/Departments/States.

As per the recent decision this Ministry is not issuing a smart card. The Government is making a policy on the delivery of various public services using Aadhar, Jan Dhan Account and existing platforms without issuance of new Smart Card. Therefore the new social security service delivery mechanism for all beneficiaries, including UoWs, could consist of the following:

- i. Making a unified database of unorganized workers using SECC database as base data and collecting additional information from beneficiaries during registration.
- ii. Development of service delivery mechanism using Aadhar/Jan Dhan Account on this platform by the scheme Ministries / Departments / States.

In the above mechanism, there is a need to develop a unified Social Security Platform. This platform can be created using SECC database and supplementing with additional socio-economic information about individual/families relevant for service delivery mechanism. Thereafter, respective Scheme Ministries/ Departments / States would need to develop Service delivery mechanism using Aadhar and Jan Dhan Account as per policy developed by DeitY.

This Ministry is making a case for taking the responsibility for development of unified platform using SECC as base data and supplementing it with addition socio-economic information of beneficiaries.

35. During evidence, the Committee desired to know as to whether the Pehchan Card is replaced by Aadhaar Card, the Secretary, Ministry of Labour and Employment, informed as under :-

"The Finance Minister has announced that a pan India social security platform would be developed but there is no clarity on its character and size. This work is being looked into by the Cabinet Secretariat. We feel that the Ministry of Labour will also have a definite role. But what role will be assigned to the Ministry of Labour, that is not very clear at the moment. That is why we have just mentioned it and that is why the programme has been put on a back-burner at the moment.

When Aadhar numbers have been given to almost hundred crore people, do we need to provide smart card separately or not, was discussed at length at the P.M.O. level and it was announced in this year's budget that a social security platform will be created for the whole country. Deliberations are going on regarding its constitution as to which authority will be assigned its formation and the modus operandi of its constitution . I am sure that within a month or two, its nature will become clear. Then, we also will be assigned a work, a role therein and on that basis, we would be able to move ahead."

IX. WOMEN LABOUR

36. As per the information furnished to the Committee, under this Scheme, Voluntary Organisations/NGOs are being provided funds by way of grants-in-aid to take up projects for the benefit of women labour. The Scheme was introduced in the Sixth Five Year Plan and has continued since then. Projects relating to awareness generation campaign for women labour are funded under this Scheme. As per provisions of the Scheme, grant-in-aid is being provided as 90% of total cost of project in the case of the North Eastern States and 75% in other States. During the 12th Plan period, an allocation of Rs.375 lakh with Annual allocation of Rs.75 lakh was proposed under the Scheme for organising working women and educating them about their rights and duties under various labour laws of Central/ State Governments and organising seminars, workshops etc. During the year 2015-16 (upto 08.01.2016), grant-in-aid of Rs.19,68,807/- has been released to 12 NGOs out of BE of Rs. 20 lakh, benefiting 19,800 women labourers.

37. However, as per the Statement furnished by the Ministry, showing Scheme-wise details of Plan Outlays & Expenditures (2015-16), there is 'nil' expenditure under the Head Child/Women Labour sub head Grants-in-Aid to Voluntary Agencies. Asked about the reasons for 'nil' expenditure under the said Head, the Ministry replied as under:

"As far as Women Labour is concerned, there is a combined plan allocation of Rs. 50 lakh for Women Cell and Planning Unit for the financial year 2015-16 and Budget Estimate for the scheme for Women Labour is Rs.20 lakh out of which an amount of Rs. 17.63 lakh has been released (upto 31.01.2016)."

38. On the issue of wages paid to women labourers which are generally lower than that of their male counterpart, the Ministry replied that "The Equal Remuneration Act, 1976 provides for payment of equal remuneration to men and women workers for same work or work of similar nature without any discrimination. In the Central sphere, the enforcement of the Act is entrusted to the Chief Labour Commissioner (Central) who heads the Central Industrial Relations Machinery (CIRM)."

39. As regards cases which are in the knowledge of the Ministry where the women labourers have been paid less *vis-a-vis* men and whether those women labourers who had participated in the Seminars/ Workshops complained about being paid less wages or discriminated against in any other social security provisions, the Ministry replied that no such complaint had been received by them.

40. In this regard, recently a report on the survey 'Wages and Earnings' conducted by the Labour Bureau was released wherein the average daily wage rates for various occupations in rural India had been indicated which clearly illustrated different wage rates for men and women labourers all over India. The Committee desired to know whether the Ministry do act on the outcome of these surveys, the Ministry replied as under:

"As a part of Rural Labour Enquiry, Labour Bureau has been compiling and maintaining average daily wage rates in respect of selected agricultural and non-agricultural occupations on the basis of the data collected by the National Sample Survey Office (NSSO) from 600 sample villages spread over 20 States.

The All India average daily wage rates for the month of September, 2015 has been published in the December issue of the Indian Labour Journal, the monthly publication of Labour Bureau.

The Labour Bureau is responsible for compilation and dissemination of average daily wage rates. The wage-differentials as published in the Indian Labour Journal December, 2015 issue between male and female workers are as follows:

Sl. No	Occupations	Rural Wage Rate (Sep, 2015)	
		Men	Women
1	2	3	4
1	Ploughing/Tilling workers	274.98	182.59
2	Sowing (including Planting/ Transplanting/ weeding) workers	240.50	195.18
3	Harvesting/Winnowing/ Threshing workers	258.51	214.52
4	Picking Workers (including Tea, Cotton, Tobacco and other commercial crops)	217.60	184.29

5	Horticulture Workers (including nursery growers)	231.76	171.80
6	Fisherman- Inland	297.72	@
7	Fisherman - coastal/ deep-sea	254.33	-
8	Loggers and Wood cutters	320.80	170.00
9	Animal Husbandry Workers (including poultry workers, Dairy workers and herdsman)	194.24	153.15
10	Packaging Labourers, agriculture	241.66	191.03
11	General agricultural labourers(including watering/ irrigation workers, etc.)	237.12	181.33
12	Plant protection workers (applying pesticides, treating seeds, etc.)	284.39	180.63
13	Carpenter	365.93	-
14	Blacksmith	302.16	@
15	Mason	405.06	@
16	Weavers	267.00	214.80
17	Beedi Makers	177.74	130.08
18	Bamboo, cane basket	223.47	178.48
19	Handicraft workers	333.50	178.84
20	Plumbers	392.54	-
21	Electrician	380.69	-
22	Construction workers (for roads, dams, industrial and project construction work & well diggers)	287.09	208.34
23	LMV & Tractor drivers	311.83	-
24	Non-agricultural labourers (including porters, loaders)	250.65	181.93
25	Sweeping/ cleaning workers	205.91	198.99

@ = Quotations are less than five.

- = Not reported.

The Equal Remuneration Act provides for equal remuneration to men and women workers for same work or work of similar nature without any discrimination. Enforcement of the Act is entrusted to CLC(Central) for establishments falling in Central sphere and to the State Government in State sphere."

X INDUSTRIAL RELATIONS

41. The Central Labour Service is headed by the Chief Labour Commissioner (C) also known as the Central Industrial Relations Machinery (CIRM). The main functions of CLS Officers are (i) ensuring harmonious industrial relations between the Management and Workers in the Central Sphere; (ii) enforcement of Labour Laws and Rules made thereunder in the Central Sphere; (iii) intervention, mediation and conciliation in industrial disputes in order to bring about settlement of disputes; (iv) intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts; (v) implementation of Labour Welfare Schemes under various Labour Welfare Acts/ Schemes. Besides, there are 22 Central Government Industrial Tribunal-cum-Labour Courts (CGIT-cum-LCs).

42. As the functions of the CLC(C) are quasi-judicial, the Committee desired to know the powers entrusted to the officials of enforcement of the outcome of conciliation proceedings. The Ministry responded as under:

"For non-implementation of the Memorandum of Settlement (MOS), a complaint is filed in the Court of Laws for violation of the Industrial Disputes Act, 1947. No quasi-judicial power is entrusted to Conciliation Officers/CLC(C) in this regard."

43. Asked about the adequacy of CLS officers and the vacancies in the CLC (C) office, the Ministry replied that there are overall 240 vacancies against the sanctioned strength of 1001. Authorised sanction of the Central Labour Service is adequate as per 2nd Cadre Review of CLS held in the year 2013.

44. As one of the functions of CLC(C) is to supervise the functions of Assistant/Deputy Labour Welfare Commissioners, the Committee desired to

know the number of inspections conducted during the last three years and the number of irregularities found in discharge of their duties or otherwise vis-a-vis action taken against the officers found guilty. The Ministry informed as under:

"Functions of Assistant/Dy. Labour Welfare Commissioners(C) are being supervised through monthly Welfare Reports which are being examined at this office and suitable guidance/clarification is rendered to the concerned officer, whenever required. Function of ALWC(C)/DLWC(C) is also supervised by the concerned LWC(C) posted at various headquarters/Departments. No inspections are conducted to supervise the functioning of Assistant/Deputy Welfare Commissioners."

45. The Ministry informed that there are 22 Central Government Industrial Tribunal-cum-Labour Courts (CGIT-cum-LCs). The basic function of these CGITs is to dispose of the industrial disputes under the Central sphere. When asked about the maintenance of centralized data about the number of cases pending in these courts and the number of cases disposed of by these courts per year, the Ministry replied as under :

"No centralized data is kept about the number of cases pending in CGIT-cum-LCs. However, about 2666 cases are disposed of by all the CGITs per year."

46. As regards provision of legal/financial support to the petitioners for fighting cases in these courts and the fee charged, the Ministry stated that petitioners are free to engage counsels for fighting their cases in these courts. As on date, there is no provision for providing legal/financial aid to the petitioners by the Government.

47. A Centrally Sponsored Scheme, namely Strengthening of Adjudication Machinery and holding of Lok Adalats, is also being run by the Ministry from the Tenth Plan onwards. During the year 2015-16, the BE for the Scheme was Rs.7.00 crore which was later revised downwards to Rs.6.00 crore at the RE stage while the Actuals, upto 31.01.2016, were Rs.3.79 crore. When asked for the reasons for curtailing the allocation at RE and not even meeting the revised target, the Ministry replied as under:

"Under the scheme, 12 Plan CGIT-cum-Labour Courts (at Chennai, Bangalore, Hyderabad, Nagpur, Bhubaneswar, Lucknow, Jaipur, New Delhi-II, Guwahati, Ernakulam, Ahmedabad and Chandigarh-II) were allocated an amount of Rs. 7.00 crore under Budget Estimates (BE) 2015-16, which was

reduced to an amount of Rs. 6.00 crore at the Revised Estimates stage (RE 2015-16). The allocation of Rs. 6.00 crore under the scheme was meant for expenditure on salaries, office expenses, travel expenses, medical treatment, professional services, minor works and for holding of Lok Adalats. A provision of Rs. 6.65 lakh was available to all CGITs for the holding of Lok Adalats in BE 2015-16. It was reduced to Rs. 1.50 lakh at RE stage. Out of this an expenditure of Rs.1.12 lakh has been reported by the CGITs in the FY 2015-16."

48. The Ministry have, however, not given any reasons for (i) curtailing the allocation, and (ii) not meeting the revised target(s).

49. On being asked about the number of Lok Adalats conducted during the year 2015-16 vis-a-vis targets set and the number of cases resolved by those Lok Adalats, the Ministry replied that "during 2015-16, a total of 22 Lok Adalats were held, wherein 237 cases were taken up and 111 cases were resolved."

XI. PRADHAN MANTRI ROJGAR PROTSAHAN YOJANA (PMRPY)

50. A new scheme, namely, the Pradhan Mantri Rojgar Protsahan Yojana is proposed to be started in the year 2016-17 with an allocation of Rs. 1000.00 crore. Under the scheme employers would be provided an incentive for giving employment to additional (new) workers who have worked for 240 days during the financial year 2016-17. As regards, the modalities and the applicability of the Scheme to private and public sector, the Ministry replied as under:

"The Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) Plan Scheme is being prepared to incentivise employers to recruit new/unemployed persons with the following contours:

- I) The Scheme will be applicable to establishments/employers (public and private) that are registered with the Employees' Provident Fund Organisation (EPFO). The scheme aims to reimburse employers the EPS contribution of 8.33% for these new employees for the first three years of their employment and is proposed to be made applicable for unemployed persons that are semi-skilled and unskilled.
- II) To have a better monitoring of the scheme, it is proposed to link up the new recruitment with the Universal Account Number (UAN) issued by EPFO and be for regular employment in that establishment. Thus if the employee shifts

to another establishment, the employer may not be eligible for benefit under the scheme.

One of the significant impacts of this scheme will be to formalise informal unemployment and bring it under the ambit of social security. The Scheme will be implemented through the Employees' Provident Fund Organisation (EPFO) and the Plan Scheme is under preparation. The contours of the scheme are being worked out and an EFC Memorandum is being prepared in consultation with EPFO so that there is a smooth implementation with effective monitoring."

51. As regards stipulation of completion of 240 days during the financial year in the same industry or whether it is preferential for persons having completed 240 days in any industry, their nature of employment and any consideration of the contract/ casual/ muster roll workers for regular appointment under the Scheme, the Ministry replied "that the Scheme will be implemented through the Employees' Provident Fund Organisation (EPFO) and the Plan Scheme is under preparation. The contours of the scheme are being worked out and an EFC Memorandum is being prepared in consultation with EPFO so that there is a smooth implementation with effective monitoring."

XII. EMPLOYEES' PROVIDENT FUND ORGANIZATION (EPFO)

52. The Employees' Provident Fund Organisation (EPFO) came into existence under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 [Act 19 of 1952] an Act to provide for the institution of provident funds, pension fund and deposit-linked insurance fund for employees in factories and other establishments. The M/o Labour & Employment is only providing 1.16% Government Share of contribution towards the Employees' Pension Scheme, 1995.

53. The total membership of EPFO, as of now, is 3.8 crore and is continuously increasing for the last four years. There has been a considerable addition to the industrial workforce and nearly 6-7 crore workers are entitled to be covered under the Scheme. When asked what is the Ministry's take on this, the Central Provident Fund Commissioner (CPFC), during evidence before the Committee, responded as under:

"In the year 2010, the number of active members was 2.81 crore, which has increased to 3.8 crore as on 31.03.2015. So, on an average, there has been an increase of around 50 lakhs. In some years, it is different but there has been increase in number of EPFO."

54. The Committee then desired to know the total number of industrial workforce at present and the number out of them who are entitled to be covered under EPF. The CPFC, in response, stated as under:

"We will make a study on this. But we are making a lot of active efforts to cover all the members outside this scheme and bring them to EPFO fold. We have around 15 crore accounts, many of them are not active, because a person who works with one employer and when he goes to another employer, he takes another number. So, many of our members are even outside, they have more than one account. So, that is why the total number of accounts is much more. If we get Aadhaar ID, this kind of duplication thing will not be there in future. If a member has a UAN with Aadhaar ID, and supposing he shifts from one job to another, he goes to a new job, the moment he gives his Aadhaar ID, his money will be transferred immediately to his account from the previous employers' side."

55. As regards coverage of the entire industrial workforce, keeping in view that currently about 50% of the workforce has been enrolled and whether the Ministry have prepared any roadmap for 100% coverage, the CPFC stated as under:

"Outside number of workers to be covered is an important thing. We are making a lot of efforts for this...many of these workers who are not covered, are in the construction area. According to the Act, the principal employer is responsible for bringing all the contract employees into the fold of EPFO. In 2014, we had written to all the Ministries and all the companies that whenever they give a contract, the bills should be paid only after ensuring that the EPFO contributions are paid. Last month, we have written to all the companies, who are giving major contracts in the country, to ensure that they pay bills after EPFO contributions/subscriptions are ensured."

56. The Committee then desired to know about the amendment made recently who either moves to another company or leaves the job will not be allowed to withdraw his PF accumulation and whether there has been any time limit for the same, the Secretary of the Ministry stated as under :

"Recently if any employee who fulfills the condition can withdraw their share amount, but the share deposited by the employer can be withdrawn at the time of retirement or death. This amendment was carried out one and a half month before. Accordingly employee can withdrew his entire share money."

57. Asked if a worker is laid off or retrenched or dismissed at the age of 50 years, how he can get his money as there is no guarantee that he will be getting the job elsewhere immediately, the representative of the Ministry stated as under:

"The reason behind the recent amendment was that employees used to work for three-four years, open their account, deposit their money and thereafter they used to withdraw their entire amount. But after joining new job a new account used to be opened and due to which many of our accounts became non-operational and this is the one of the reasons behind inoperative accounts.

The reason behind such condition is that the person should get the money when he is not able to earn and as per our Social Security System the provision was made to give the amount at the retirement age of 58 years. This amount will be helpful to him when he is not able to earn."

XIII EMPLOYEES' STATE INSURANCE CORPORATION (ESIC)

58. The Employee's State Insurance Corporation is a statutory body under the Administrative control of the Ministry of Labour & Employment, Government of India. The Chairman of the Corporation is appointed by the Central Government and the members are appointed by the Central and State Governments, representing the Central/State Governments, respectively, and also representatives of employers and employees recognized for the purpose by the Central Government. The Employees' State Insurance Corporation does not receive any grant-in-aid/budgetary allocation from the Government of India.

59. The Committee desired to know about the integral part of the Scheme which entitles the Insured Persons (IPs) for unemployment allowance, and the number of persons who have benefited from the date the Act came into force, till date. The Secretary stated as under:

"The said component was seldom utilised, there is no doubt I entirely agree with that. We have taken two decision in our last meeting. First one is to increase the duration of employment allowance from one year to two. Secondly, we are trying to increase this amount. Secondly there was a little bit of apathy in the organisation that we have not disseminated this information among unemployed people to avail the benefit. We are trying to do that. And, we are very hopeful that from this year onwards, you will find a marked improvement in disbursement of this kind of money to the unemployed people who are members of the ESIC."

60. On the issue of giving coverage to the workers in the unorganised sector, viz. building workers, auto rickshaw drivers, domestic workers, anganwadi and mid day meal scheme, etc., the DG, ESIC, stated as under :

"ESIC is only for Organised Sector. But we are applying the relevant provision to Unorganised Sector to provide health care facilities as a pilot project. There is no mention of employer-employee contribution. In this scheme we will take the contribution of Rs. 250 per month in order to provide health benefit to their family members. This is also under consideration that either he will contribute or Government will contribute on his behalf. The family here is meant four plus one member."

61. Regarding the contribution to be paid by the beneficiary and the number of family members covered, the Secretary informed that "it will be Rs.250/- p.m. The family members covered would be four plus one."

62. As regards paying of the amount of Rs.250/- p.m. by the Mid Day Meal worker, Anganwadi workers and Asha workers who are paid monthly wages ranging between Rs.800/- and Rs.3000/- p.m., the Secretary stated as under:

"There would be some other members in his family, who would also be earning something. Sir, Rs. 250 is not a big amount. We have decided upon the minimum amount as possible so that we are not at loss. Ultimately, ESIC is not getting any subvention or support from the Government. It is a contribution which comes from the subscribers. We will provide the health benefit from the contribution which will be collected from subscribers. Now D.G. has apprised me that we are exploring the possibility if Government can also contribute Rs. 250 separately. But we are not very sure about it because if we multiply Rs. 250 to 70 lakh people and add this amount for 12 months then it comes out to be very huge amount of money. That kind of a resource may not be available with the Government. But we are trying to explore all the possibilities."

63. The Committee then desired to know about the coverage being given to contract workers under the ESI. In response, the Secretary stated as under :

"If the contract workers are working under such contractor having 10 or more people then they will be covered under ESIC automatically. He becomes a member of the ESIC. Even if he is not a member of ESIC due to some reason, we will try to incorporate him in our Rs. 250 Scheme. But in first phase we try this Scheme on experiment basis to see that how many people will become members, the kind of facilities they will get, whether they are satisfied, whether any such excess unprecedented expenditure incurred upon us which we may not be able to afford in the long term. So, after observing all these issues, we will take a final call."

64. The Committee then pointed out the fact that even the present IPs are not getting medicines due to shortage as the Rate Contract is being extended for the last five years and the medicines which were part of the old Rate Contract are only being provided though there has been a sea change in the format of medicines. The Secretary responded as under :

"I assure you that the Rate Contract would be replaced by the new Rate Contract within two-three weeks positively."

65. The Committee then desired to know about the recent decision taken by the Ministry to take over 12 hospitals and 292 dispensaries being run by the Labour Welfare Organisation and hand them over to ESIC. The Committee, while showing their concern about the appalling condition of the ESIC hospitals and dispensaries, desired to know as to how the ESIC will handle these 12 Hospitals and 292 dispensaries. They also desired to know about the staff of those hospitals, their service conditions, fixation of their seniority, their promotional avenues, etc. Thereupon, the Secretary stated as under:

"The reason behind transferring 12 Hospitals and 292 dispensaries to ESIC. It is true that the ESIC dispensaries and Hospitals are not functioning according to our expectation. But we are working towards it and we hope that it will be able to function as per our expectation. The condition of the dispensaries and hospitals running by cess-fund is even worse. All the hospitals and dispensaries running by cess-fund are in poor condition. The doctor pay the visit for short time and does not do any work except referral work. The building are under-constructed if the construction work is complete then it is in a dilapidated state. So we thought it will be better to transfer it. On other hand we have decided to promote ESIC in entire nation. It will be covering all the districts. All the district will be covered by ESIC. Under these circumstances there is no point we will run the dispensaries and hospitals from cess fund and keep it in bad state. There is no doubt whatever that as soon as they start working under ESIC, there will be a marked improvement.

Second problem is that we are thinking of sending entire staff to ESIC on deputation, all their allowances, service condition will be maintained, it may be improved there will not be any dilution or deterioration."

He further stated that:

"I will ask the secretary to deliberate on this issue as he is the one dealing with the matter. Entire facilities can't be provided by the cess funded organisations because it is not possible to manage and run the Scheme throughout the country from Rs. 2.5 crore, 3 crore, 12 crore, 15 crore. That is the reason we have transferred it to ESIC.

As regards staff, the Secretary stated that from the date of taking over, that is from 1st April, all these employees will be on deemed deputation and they will get due promotions. There will be a separate cadre and seniority list for them. They will not be merged with the ESIC till their retirement."

66. The Committee then desired to know about the contribution to be paid by the beneficiaries of the Five Welfare Funds and the services they will get. The DG, ESIC, replied as under:

"ESIC will extend all medical facilities, primary secondary and tertiary to the workers covered under.....to the same extent as are available to IP units in ESI Hospitals and Dispensaries.

We will transfer our grant. When labour was running welfare organisation we used to spend per person Rs. 200. If it goes to ESIC then they will get the benefit of Rs. 2000-2500 from ESIC without any contribution. The entire contribution collected through Rs. 200 per capita will be transferred to ESIC as grant-in-aid. They will use this amount but they will give more benefit and this arrangement is in the workers favour."

PART-II
OBSERVATIONS/RECOMMENDATIONS

Budgetary Provision and Utilisation

The Committee are deeply concerned to note that against the Ministry's projection of Rs.34914 crore for Plan expenditure during the 12th Plan Period the approved outlay was merely Rs. 13223 crore, whereas the Ministry have been able to utilize an amount of Rs.4855.24 crore only upto 31st January, 2016, i.e. 36.72% of the total allocation. Such under-utilization of funds has been attributed mainly to the transfer of the Rashtriya Swasthya Bima Yojana (RSBY) to the Ministry of Health and Family Welfare, transfer of the Training part to the Ministry of Skill Development and Entrepreneurship and non-implementation of the Scheme of issuance of U-WIN Cards to the workers of the unorganised Sector. The Committee are not inclined to accept the reasoning given by the Ministry for the abysmally low utilisation of funds in view of the fact that the transfer of RSBY and training part of DGE&T was effected during 2015 and in the same year U-WIN cards was conceived

and taken off. Needless to say by that time, much expenditure could have been incurred on the Plan Schemes had there been a realistic assessment and adequate monitoring done out of the total Budget allocation. Such a situation reflects poorly on the seriousness and sense of priority in addressing the issues pertaining to labour. The Committee have been advising the Ministry for the past few years to make the budgeting exercise more prudent and also to strengthen the monitoring mechanism so as to achieve maximum utilization of funds, and are displeased over the lackadaisical attitude of the Ministry in this regard. The fact that there has been more than 50 percent reduction in the projection of the Ministry and mere 38 percent utilisation of the reduced Plan outlay speak volumes of the non-chalant approach of the Ministry towards financial management. The Committee are of the considered opinion that the Ministry, instead of taking recourse to untenable reasons, should remove the systemic deficiencies, firm up the budget proposals and endeavour to maximise the Plan outlays in future.

2. The Committee further note that during the Annual Plan 2015-16, the Ministry have fallen short of utilising the Plan outlays in some other schemes as well, viz. Child Labours, Labour Statistics, Workers' Education, etc. where the BE even after substantial reduction in the proposals, could not be fully utilised. The Committee are surprised that though the working areas of the Ministry have shrunk considerably during the last year, they are still unable to utilize even the RE allocations to the maximum. Such consistent failure to utilize the allocated fund has also contribute to reduction in Ministry of Labour's share in overall budget allocations. In view of the fact that the overall fund utilisation scenario would have been far worse had the proposed allocation been approved and granted by the Ministry of Finance, the Committee recommend that the causes of persistent under-utilisation of Plan outlays should be identified and necessary corrective/remedial measures taken for ensuring optimal utilisation of funds during the 2016-17 fiscal.

3. The Committee are distressed to note that the Ministry have been able to spend Rs.112.48 crore only against

Rs.207.34 crore in all the five Cess Funds. According to the Ministry the saving was due to economy measures and a general instruction from the Ministry of Finance for 10% cut in Non-Plan expenditure. The Committee are of the considered view that the cess-funds are funds for specified and defined purposes based on scheme/proposal based expenditure for specific labour welfare. Instruction on economy measure cannot apply in the case of cess-funds to justify the failure to spend almost 50 percent of the available fund. The Committee understand that the general instructions are for those Ministries/Departments where the proposed allocation has not been reduced below 50% or it has not been revised downwards at the RE stage. In the instant case, the allocation has been reduced to 30% at the RE stage and hence there was no need to follow the general instruction for 10% cut. While rejecting the submission made by the Ministry for under-utilisation of cess funds meant for the welfare of the workers belonging to the lowest strata of the society, the Committee stress that the implementing mechanism should be strengthened so that the cess funds collected are fully utilised and the benefits welfare

Schemes financed through these funds actually reach the intended beneficiaries.

4. The Committee note that the cess collection under the Iron Ore, Manganese and Chrome Ore, and Mines Labour Welfare Fund is less as compared to extraction/consumption of Iron Ore in particular, which is not being imported. The Committee are surprised to note from the Ministry's statement that the inspection mechanism is not very strong enough to detect such evasion of cess collection. Emphasising that a deficient inspection mechanism would defeat the very purpose of cess collection, the Committee impress upon the Ministry to put in place an efficacious inspection and monitoring method and take appropriate action against those companies found delinquent in paying cess dues.

LABOUR STATISTICS

5. The Committee note that the Occupational Wage Survey (OWS) are conducted to assess the Employment structure, Wage Rates, Dearness Allowance and Average Daily Earnings by Occupation and Stratum, as per the statutory obligation pertaining to Article 8 of Part-II (Average Earnings and Wage

Structure & Distribution) of the ILO Convention No. 160 on Labour Statistics. Accordingly, the first round of Occupational Wage Survey (OWS) was conducted by the Labour Bureau in 1958-59 and, thereafter, up to the fourth round, it was conducted after an interval of five years on an average. The fourth and fifth rounds of OWS were conducted in 1985-92 and 1993-1999 respectively. The Committee are concerned to find that the sixth round of OWS was conducted in the year 2009 after a gap of ten years and that too covering only 37 industries out of the 56 industries proposed. What further worries the Committee that though the proposal for conducting the seventh round was submitted to the Ministry in the year 2014, the Ministry gave their approval only in February, 2016. The Committee strongly deprecate the inordinate delay in finalising the proposal and conducting OWS within a definite timeline, as such undue delays in conducting OWS are detrimental to the interest of the labourers. The Committee, therefore, emphasise that henceforth, the Ministry should expeditiously accord their approval and ensure that OWS is conducted invariably within a maximum period of five years, as

is the extent practice, so that the basic requirements of wages, DA, etc., of the labour force are fulfilled.

6. The Committee note that the data collected by the Labour Bureau is being used by the Central Ministries, Reserve Bank of India, NITI Aayog, National Skill Development Agency, International Monetary Fund, International Labour Organisation, Academic & Research Institutes and Research Scholars. However, the data collected by the Labour Bureau is not generally compared with the data collected by the NGOs/Private Parties. The Committee feel the Ministry could consider scientific comparison of the data collected by the Labour Bureau with that of established/ reputed NGOs/ Research Institutes, which could help in policy and decision making process besides making the officers involved in collection of data more careful and diligent in their approach so as to assure foolproof collection of data. The Committee also desire that the size and areas of surveys for collection of data should be changed/rotated frequently for a wider and scientific coverage.

SOCIAL SECURITY FOR LABOUR

7. The Committee observe that during the current year, i.e. 2016-17, a provision of Rs.141.50 crore has been made for the Unorganised Workers' Social Security Card which constitutes 25.73% of the total budget allocation of Rs.550 crore of the Ministry (keeping aside Rs.1000 crore for the Pradhan Mantri Rojgar Protsahan Yojana). The Committee note that a budget provision of Rs.320.52 was made during the previous year (2015-16) for issuance of U-WIN cards to the Unorganised Sector Workers which remained un-utilised as the Scheme could not take off. According to the Secretary, (MOLE), a pan India social security platform would be developed which is being looked into by the Cabinet Secretariat but there is neither any clarity on its character and size nor about the role and responsibility of the Ministry of Labour and Employment. As the Ministry themselves are not clear about the Scheme and which is yet to be conceived and implemented, the Committee do not find any justification for keeping idle for the whole year Rs.141.50 crore earmarked for the Scheme. The Committee apprehend that it may further aggravate the quantum of under-

utilised funds at the end of this fiscal and lead to reductions in the allocations for the next fiscal i.e. 2017-18. The Committee, therefore, recommend that the Ministry should exercise due diligence and propose allocations only for those schemes which have already been formulated, approved and are ready for takeoff so that the performance of the Ministry in terms of utilisation of Plan outlays shows improvement.

WOMEN LABOUR

8. The Committee find that Voluntary Organisations/NGOs are being provided funds by way of Grants-in-Aid to take up projects for the benefit of women labour. The Scheme was introduced in the Sixth Plan and has continued ever since. During the 12th Plan period, an allocation of Rs.375 lakh with Annual Allocation of Rs.75 lakh was proposed under the Scheme for organizing seminars, workshops, etc., for working women and educating them about their rights and duties under various labour laws of Central/State Governments. The Committee find that there is 'nil' expenditure under the Head 'Child/Women Labour', sub-head Grants-in-Aid to voluntary Agencies. The Ministry have clarified that a combined plan

allocation of Rs.50 lakh for Women Cell and Planning Unit was made, of which Rs.20 lakh was for Women Labour out of which an amount of Rs.17.63 lakh has been released upto 31.01.2016. When there is a specific Head for Women Labour and a provision of Rs.50 lakh has been earmarked, there is hardly any plausible reason to spend the amount from the other head. Moreover, the total expenditure under Women Cell and Planning Unit is Rs.17.63 lakh only which implies that no expenditure has been incurred on the Planning Unit. Taking a serious view of this, the Committee desire that henceforth this should not happen with the Budget Heads, and the expenditure should be met from the respective Heads specified for the purpose. The Ministry also owe an explanation for 'nil' expenditure under the Planning Unit during the year 2015-16. The Committee desire that adequate measures be taken to utilise the earmarked funds for the Scheme during 2016-17.

9. According to the Ministry, the Equal Remuneration Act, 1976 provides for payment of equal remuneration to men and women workers; the enforcement of the Act is entrusted to the Chief Labour Commissioner (Central) who heads the Central

Industrial Relations Machinery (CIRM). But, according to the survey report on Wages and Earnings released by the Labour Bureau, women workers in various fields are paid considerably lesser wages *vis-a-vis* their male counterparts all over India. The Committee do not agree with the Ministry's submission and emphasise that the enforcement of the Equal Remuneration Act, 1976 entrusted to the CLC would not serve the purpose unless there is a vigorous monitoring by the Ministry. The Committee, therefore, impress upon the Ministry to intensify their monitoring system to ensure that the Act is fully enforced by the agency concerned.

INDUSTRIAL RELATIONS

10. The Committee note that, as of now, the Conciliation Officers/CLC(C) have no quasi-judicial powers to enforce implementation of the Memorandum of Settlement (MoS). The Committee feel that the feasibility of some sort of quasi-judicial powers to the Conciliation Officers/CLC(C) should be explored so that they can effectively take those who violate the Act to task and put an end to the tendency to pay minor monetary penalty and evade their duties and obligations.

11. The Committee note that no inspection is conducted to supervise the functioning of Assistant/Deputy Welfare Commissioners and their performance is evaluated through monthly Welfare Reports which are examined and, thereafter, suitable guidance is rendered to the officer concerned, whenever required. As surprise and periodic inspections are an integral part of the effective functioning of any organisation, more so in the case of officers working for the poor and downtrodden people, the Committee recommend that periodic physical inspections be carried out to keep a vigil on the performance of the Asstt./Deputy Welfare Commissioners so that timely corrective action could be initiated to protect and safeguard the interests of labourers/workers.

12. The Committee find that presently, no data is maintained the number of cases pending in the Central Government Industrial Tribunal cum-Labour Courts (CGIT-cum-LCs). The Committee need not emphasise that the working/efficiency of these Courts could be gauged properly by the number of cases disposed vis-à-vis cases registered/pending and the basic performance parameter in this regard is proper maintenance of

data. The Committee, therefore, impress upon the Ministry to take urgent requisite measures for maintenance of centralised data by the CGIT-cum-LCs subsequent to which adequate corrective measures, wherever required, may be initiated.

13. The Committee find that no legal/financial support is provided to the petitioners for fighting their cases in these Courts. Most of the cases which reach these courts relate to contract workers against contractors/principal employer. It is a known fact that the contract workers being poor and illiterate/semi-literate, dread to file complaints and fight court cases against the contractors/principal employer who usually threaten to retrench/terminate their services. Needless to say, this compels other contract workers too to quietly bear various forms of exploitation by the contractors/ employers. The Committee, therefore, desire that aggrieved contract workers be provided with legal support to fight court cases so that justice is meted out and a sense of confidence is instilled in them to raise complaints against take on the contractors/ principal employers, whenever they exploitation/harassment.

14. The Committee note that a provision of Rs.6.65 lakh was made in the 2015-16 BE to all the CGITs for holding Lok Adalats during the year. The provision was reduced to Rs.1.50 lakh at the RE stage and out of this an expenditure of Rs.1.12 lakh has been incurred by the CGITs. The Committee further note that a total of 22 Lok Adalats were held during 2015-16 wherein 237 cases were taken up and 111 cases were resolved/disposed of. In view of the pivotal role played by the Lok Adalats in disposing of the cases on fast-track mode and providing succour, the Committee recommend that budgetary provisions for holding Lok Adalats be enhanced suitably and the monitoring mechanism be strengthened to ensure maximum utilisation of funds so as to facilitate speedier disposal of the pending cases.

PRADHAN MANTRI ROJGAR PROTSAHAN YOJANA

15. The Committee note that a new scheme namely the Pradhan Mantri Rojgar Protsahan Yojana is commence in the year 2016-17 with an allocation of Rs.1000 crore. The Committee further note that the contours of the Scheme are yet to be finalized. In view of the importance of the Scheme in

providing of large scale employment, the Committee desire that necessary ground work/formalities be chalked out and finalized at the earliest so that the earmarked funds are gainfully utilised and the very purpose of the Scheme is achieved. The Committee further desire that while finalizing the Scheme, special emphasis and preference be accorded to the contract/casual/muster roll workers so that their employment is formalized and they are brought under the social security net.

EMPLOYEES' PROVIDENT FUND ORGANISATION (EPFO)

16. The Committee find that the total active membership of EPFO is 3.8 crore which has remained almost the same during the last four years. The Central Provident Fund Commissioner (CPFC) has submitted that in the year 2010 the number of active members was 2.81 crore, which has increased to 3.8 crore as on 31.03.2015. As per the statistics of the Labour Bureau, about 12 million people join the jobseekers' queue every year. The Ministry, in their deposition before the Committee, also admitted that around one crore people get added to the employable workforce every year. In the given

circumstances, if 50,000 people get job each year, then there would have been a corresponding increase in the number of active membership. The Committee feel that there is approximately the same number of workers, i.e., around three crore who are entitled but are yet to be covered by the EPFO. The Committee recommend that the EPFO, ESIC and CLC (C) office may coordinate and reconcile their figures so that at least the number of workers registered with each organization may be covered under the EPFO/ESIC wherever applicable.

17. The Committee note that there is no available data about the percentage of total industrial workforce and the number of persons entitled to be covered. Moreover the 'Shram Suvidha Portal' could yet reportedly capture only a very insignificant part data of the vast workforce entitled to be covered under various labour laws including on EPF, ESI, etc. The CPFC has assured the Committee that they would make a study on this and that they are making strenuous efforts to cover all the members outside this scheme and bring them is to the EPFO fold. The Committee further note that the EPFO is in the process of linking Aadhaar with UAN to avoid any duplication of

membership. The Committee feel that this is a step in the right direction and desire the EPFO to accord equal importance to the work of identification and coverage of workers of uncovered industries so that both the works are carried out simultaneously.

18. The Committee are deeply concerned to note that recently the EPFO has amended the rules where an employee who either moves to another company or leaves the job will not be allowed to withdraw the employer's share until retirement or in case of death. The Committee are not convinced with the Ministry's submission that the employer's contribution primarily goes to the pension fund and the amendment has been done keeping in view that the employee may get the money when he is not able to work, as it would apply only when full employment is there. The fact of the matter is, as on date, any employee who is retrenched or leaves the job for any reason and cannot get another job for life or to say for four-five years, there would be no contribution from either side and the biggest loser will be the temporary employee who will not be allowed to withdraw his accumulations. The Committee understand that

Government has taken steps to roll back the provision. The Committee would like to be apprised of the steps taken by the Government in this regard. The Committee also emphasise that ministry should exercise due diligence and vigil to ensure that whenever any reforms are proposed for the labour sector, such provisions should fully protect the interests of labourers/workers.

Employees State Insurance Corporation (ESIC)

19. The Committee note that the Insured Persons (IPs) are entitled for unemployment allowance under this Scheme. The Ministry have, admitted before the Committee that from the date of implementation of the Act, this part has rarely been used. The Committee take a serious note of the gross violations of the statutory provisions by not giving unemployment allowance to entitled persons, most of whom are not even aware of this provision of the Act. The Committee call upon the Ministry to invariably adhere to the statutory provisions, besides giving wide publicity through the print and the electronic media so that the needy and entitled IPs are able

to approach the ESIC on their own for getting the stipulated allowance, whenever they are out of employment.

20. The Committee find that the ESIC is extending coverage on an experimental basis to some of the unorganised sector workers, viz. building workers, auto rickshaw drivers, domestic workers, and Anganwadi and Mid Day Meal Scheme workers on contribution of Rs.250/- per month in which four family members would be covered and the benefits would be the same as are made available to the IPs. The Committee are of the view that the contribution amount of Rs.250/- could be considered reasonable for building workers, auto rickshaw drivers and domestic workers keeping in view their earnings per month. But the prescription of a similar amount for the Anganwadi and Mid Day Meal Scheme workers who earn a maximum Rs.800/- to Rs.1000/- p.m. is definitely on the higher side. As most of these Anganwadi. workers cannot afford to pay an amount of Rs.250/- a month out of their meagre earnings, they will be reluctant to opt for the Scheme and, resultantly, they will not be covered under any of the medical coverage schemes. The Committee, therefore, urge that the Anganwadi and Mid-Day

Meal workers should be allowed to pay at the same rate/percentage of their wage/honorariums as is applicable to other IPs and the employer's contribution on that account should be borne by the Government of India to make them entitled for same facilities of ESI as available to other IPs.

21. It is very surprising as well as disturbing that during evidence, the Ministry informed that where the contract workers are not members of the ESIC for any reason, the ESIC will cover them in the Rs.250/- p.m. Scheme. The contract workers are already lawfully entitled for coverage under ESI Act and it is the obligation of Ministry and ESIC to bring all the contract workers under the coverage of ESIC. The Committee apprehend that if the ESIC ever tries to cover the contractor workers under the new Scheme, then most of the contractors would try to find an escape route from the existing set-up. Resultantly, the ultimate sufferer would be the worker. The Committee, therefore, recommend that the ESIC must ensure to bring under coverage all the contract workers in industries and establishments as per the ESI Act and should also

concentrate on covering the workers under uncovered unorganized sector.

22. The Committee note that the ESIC is proposing to extend the medical facility to some of the chosen sections of unorganised workers on payment of Rs.250/- p.m. The Committee, during their study visits to different places, noticed that there is always a shortage of medicines for their IPs. In the present scenario, the Committee are concerned about the availability of medicines to the beneficiaries. The Committee understand that one of the reasons for shortage of medicines is due to non-entering into a new Rate Contract. The Committee are concerned to observe that the Rate Contract in vogue was entered into in the year 2011 and thereafter the same is being renewed year after year that too without any plausible reason. The Committee feel that sticking to the old Rate Contract and not revising the formulary will make the ESIC more dependent on local purchases, besides administering outdated medicines to the beneficiaries. The Committee, therefore, urge that the ESIC may enter into a new Rate

Contract at the earliest and make provisions for timely revision of formulary in its own interest.

23. The Committee note that a decision has been taken by the Ministry to take over 12 hospitals and 292 dispensaries run by the Labour Welfare Organisation and hand them over to the ESIC. The Committee are aware that the condition of the hospitals and dispensaries which are proposed to be taken over is indeed pathetic. The Ministry have assured that there would be a marked improvement in the condition of these Hospitals and dispensaries after they are taken over. The Committee, while appreciating the optimism exuded by the Ministry, desire that Ministry may take adequate steps to improve their conditions after the takeover, and that the Committee be apprised of the specific and qualitative improvements brought in these Hospitals and dispensaries.

24. During their study visit to Thiruvananthapuram in October 2015, the Committee were informed by the medical/para-medical staff that after the State Government run hospital was taken over by the ESIC, their seniority and promotional avenues were adversely affected as they were put

at the bottom of the seniority list. The Committee, while expressing their concern over the future prospects of the employees of the hospitals proposed to be taken over by the ESIC, desire that cases of such employees be considered sympathetically and adequate steps be taken to safeguard their promotional avenues. The Committee may be apprised of the steps taken in this regard.

New Delhi;
2nd May, 2016
2th Vaisakha, 1938 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

STANDING COMMITTEE ON LABOUR
(2015-16)

Minutes of the Fifteenth Sitting of the Committee

The Committee sat on 28th March, 2016 from 1100 hrs. to 1425 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar – CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar
3. Shri Ashok Dohare
4. Shri Satish Chandra Dubey
5. Shri Devajibhai Govindbhai Fatepara
6. Shri Satish Kumar Gautam
7. Shri Bahadur Singh Koli
8. Dr. Arun Kumar
9. Shri Kaushalendra Kumar
10. Shri Hari Manjhi
11. Shri Hariom Singh Rathore
12. Shri Kodikunnil Suresh
13. Shri Dayakar Pasunoori

RAJYA SABHA

14. Shri Nazir Ahmed Laway
15. Shri Aayanur Manjunatha
16. Shri P.L. Punia
17. Shri Rajaram
18. Shri Tapan Kumar Sen
19. Shri Ravi Prakash Verma

SECRETARIAT

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Shri N.C. Gupta | - | Joint Secretary |
| 2. | Shri Ashok Sajwan | - | Director |
| 3. | Shri D.R. Mohanty | - | Additional Director |
| 4. | Smt. Archana Srivastva | - | Under Secretary |

Witnesses

Representatives of the Ministry of Labour and Employment

1.	Shri Shankar Aggarwal	Secretary
2.	Shri Heera Lal Samariya	Addl. Secretary
3.	Shri Partha Pratim Mitra	Principal Labour & Employment Advisor
4.	Ms. Meenakshi Gupta	Joint Secretary & FA
5.	Shri Dheeraj Kumar	Joint Secretary
6.	Shri Bipin Mallick	Joint Secretary/DG(LW)
7.	Shri Manish Gupta	Joint Secretary
8.	Shri G. Venugopal Reddy	Joint Secretary
9.	Shri Deepak Kumar	DG, ESIC
10.	Shri V.P. Joy	CPFC
11.	Shri Rahul Guha	DGMS
12.	Dr. Avneesh Singh	DGFASLI
13.	Shri M. Mathisekhran	DG, Labour Bureau
14.	Shri Anil Kumar Nayak	CLC(C)

2. At the outset, the Chairperson welcomed the representatives of the Ministry of Labour and Employment to the sitting of the Committee, convened to take evidence of the representatives of the Ministry on Demands for Grants (2016-17). Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked the Secretary, Ministry of Labour and Employment (MOLE) to give an overview of the performance of the Ministry in 2015-16, Budgetary provisions made for the year 2016-17 for various programmes/ activities/schemes and the plan of action on the part of the Ministry for optimal utilisation of the earmarked funds and achievement of targets.

3. The Secretary, MOLE, accordingly, briefed the Committee highlighting *inter-alia* the fund utilisation and achievement of physical targets during 2015-16, the Budgetary provisions made for the year 2016-17 for Major plan schemes, viz. Pradhan Mantri Rojgar Protsahan Yojana, National Child Labour Project (NCLP), various initiatives taken by ESIC, EPFO, CLC, DGMS, DGFASLI for compliance of Labour Laws, achievements in Labour Welfare Schemes, etc.

The Secretary, MOLE, and representatives of the ESIC, EPFO, DGMS, DGFASLI, Labour Bureau and CLC Office responded to various queries raised by the Members.

4. As some points required detailed reply, the Chairperson asked the Secretary, MOLE, to furnish written replies thereon within a week. The Secretary assured to comply.

5. The Chairperson thanked the Secretary and other representatives of the Ministry for furnishing valuable information on the subject and responding to the queries of the Members.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR
(2015-16)

Minutes of the Eighteenth Sitting of the Committee

The Committee sat on 2nd May, 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. Shri Satish Chandra Dubey
3. Shri Devajibhai Govindbhai Fatepara
4. Shri Satish Kumar Gautam
5. Shri Bahadur Singh Koli
6. Dr. Arun Kumar
7. Shri Kaushalendra Kumar
8. Shri Hari Manjhi
9. Shri Naba Kumar Sarania
10. Shri Mulayam Singh Yadav

RAJYA SABHA

11. Shri P.L. Punia
12. Shri Rajaram
13. Haji Abdul Salam
14. Shri Tapan Kumar Sen

SECRETARIAT

1. Shri K. Vijaykrishnan - Additional Secretary
2. Shri N.C. Gupta - Joint Secretary
3. Shri Ashok Sajwan - Director
4. Shri D.R. Mohanty - Additional 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 Reports. Giving an overview of the main/important Recommendations contained in both the Draft 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 Reports and adopted them after some discussions:

(i) Draft Report on 'Demands for Grants (2016-17) of the Ministry of Labour and Employment; and

(ii) XX XX XX XX

4. The Committee then authorised the Chairperson to finalise the Reports in the light of consequential changes that might arise out of factual verification of the draft Reports and to present the same to both the Houses.

The Committee then adjourned.

XX Do not pertain to this report