Annual Report
2013-14



Ministry of Labour & Employment
Government of India
Shram Shakti Bhawan, Rafi Marg, New Delhi

ANNUAL REPORT
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Government of India

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1 HIGHLIGHTS OF IMPORTANT ACTIVITIES

INTRODUCTION

1.1 The Ministry of Labour & Employment is one of the oldest Ministries of the Government of India. The main responsibility of the Ministry is to protect and safeguard the interests of workers in general and the poor, deprived and disadvantaged sections of the society, in particular. Further it aims to create a healthy work environment for higher production and productivity and to develop and coordinate vocational skill training and employment services. Government's attention is also focused on promotion of welfare and providing social security to the labour force both in organized and unorganized sectors, in tandem with the process of liberalization. These objectives are sought to be achieved through implementation of various labour laws which regulate the terms and conditions of service and employment of workers. The State Governments are also empowered to enact legislations, as labour is a subject in the concurrent list under the Constitution of India.

1.2 At present, there are 44 labour related statutes enacted by the Central Government dealing with minimum wages, economic and social security benefits, occupational safety and health, conditions of employment, disciplinary action, formation of trade unions, industrial relations, etc. The list of Central Acts is annexed (Box 1.1 at the end of this Chapter).

WELFARE OF THE UNORGANISED SECTOR WORKERS

1.3 The term 'unorganized worker' has been defined under the Unorganised Workers Social Security Act, 2008 as a home-based worker, self-employed worker or a wage worker in the organised sector who is not covered by any of the Acts mentioned in Schedule-II of this Act i.e. (i) The Employees Compensation Act, 1923 (ii) The Industrial Disputes Act, 1947 (iii) The Employees State Insurance Act, 1948 (iv)The Employees' Provident Funds and Miscellaneous Provision Act, 1952 (v) The Maternity Benefit Act, 1961 and (vi) The Payment of Gratuity Act, 1972.

1.4 As per the survey carried out by the National Sample Survey Organisation in the year 2009-2010, the total employment in both organized and unorganized sector in the country was 46.5 crore. Out of this, about 3.9 crore were in the organised sector and the balance 45.7 crore in the unorganised sector. Out of 45.7 crore workers in the unorganized sector, 24.6 crore workers were employed in agriculture sector, 4.4 crore in construction and the remaining in manufacturing and services. A large number of unorganized workers are home based and engaged in occupations such as beedi rolling, agarbatti making, papad making, tailoring, and embroidery work.

1.5 In order to take care of the social security and welfare of unorganized workers, two-pronged strategy i.e. legislative measures and implementation of welfare schemes and programmes has been followed. The legislative measures include the Minimum Wages Act, 1948, the Employees Compensation Act, 1923, the Maternity Benefit Act, 1961, the Bonded Labour System (Abolition) Act, 1976, the Contract Labour (Regulation & Abolition) Act, 1970, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 etc.

1.6 In order to ensure welfare of workers in the unorganized sector, the Ministry of Labour and Employment has enacted the Unorganised Workers' Social Security Act, 2008. The Act came into force w.e.f. 16.05.2009. Central Rules under the Act have been framed. The salient features of the Unorganised Workers' Social Security Act, 2008 are:

- Formulation of schemes by the Central Government for different sections of unorganised workers on matters relating to (a) life and disability cover; (b) health and maternity benefits; (c) old age protection; (d) any other benefit as may be determined by the Central Government.

- Formulation of schemes relating to provident fund, employment injury benefits, housing, educational schemes for children, skill upgradation, funeral assistance and old age homes by the State Governments.

- Funding of the schemes to be specified in the scheme itself.

- Constitution of National Social Security Board under the Chairmanship of Union Minister for Labour & Employment, Member Secretary and 34 nominated members representing Members of Parliament, unorganised workers, employers of unorganised sectors, civil society, Central Ministries and State Governments.

- Adequate representation to persons belonging to the Scheduled Castes, Scheduled Tribes, Minorities and Women.

- The functions of National Board, inter-alia, include to recommend to the Central Government suitable schemes for different sections of unorganised workers, monitor the implementation of schemes and advise the Central Government on matters arising out of the administration of the Act.

- Section 6 has provision for constitution of similar Boards at the State level.

- Registration of Workers.

1.7 The details of initiatives taken by the Government to provide social security to the unorganised workers are as follows:

- The Government launched the Rashtriya Swasthya Bima Yojana to provide smart card based cashless health insurance cover of Rs.30,000/- per annum on family floater basis to BPL families (a unit of five) in the unorganised sector. The scheme became operational from 01.04.2008. The scheme is presently being implemented in 28 States / Union Territories and 3.71 crore smart cards have been issued as on 30.04.2014.

- The Aam Aadmi Bima Yojana (AABY) was launched on 02.10.2007 with a view to provide insurance cover to the head of family or one earning member of rural landless households between the age of 18 years and 59 years. Under the scheme, the head of the family or an earning member of the family is eligible to receive the benefits of Rs.30,000/- in case of natural death, Rs.75,000/- for accidental death, Rs.75,000/- for total permanent disability (loss of both eyes or both limbs or loss of one eye and one limb in accident) and Rs.37,500/- for partial permanent disability (loss of one eye or one limb in accident). More than 4.80 crore have been covered as on 31.03.2013 under AABY.

- The Government has been implementing Indira Gandhi National Old Age Pension Scheme, which has been expanded by revising the criteria of eligibility. All citizens above the age of 60 years and living below poverty line are eligible for benefits under the scheme. For persons above the age of 80 years, the amount of pension has been raised from Rs.200/- to Rs.500/- per month. More than 3.27 crore persons have availed benefits under the scheme as on 31.03.2013.

- To encourage the workers of unorganised sector to voluntarily save for their retirement and to lower the cost of operations of the New Pension System (NPS) for such subscribers, the Central Government launched a co-contributory pension scheme "Swavalamban" on 20.08.2010. The Government of India contributes a sum of Rs.1,000/- to each eligible NPS subscriber who contributes a minimum of Rs.1,000/- and maximum Rs.12,000/- per annum under the Swavalamban Scheme. The scheme is likely to benefit around 70 Lakh workers

from the unorganised sector by the year 2016-17.

1.8 The 'Rashtriya Swasthya Bima Yojana' was formally launched by the Ministry of Labour & Employment on 1st October, 2007 to provide smart card based cashless health insurance cover of Rs. 30,000/- to BPL Families (a unit of five) in Unorganised Sector per annum on family floater basis. The RSBY became operational from 01.04.2008. The basic features of the scheme are as follows:

- Government of India contributes 75% of the annual premium. State Government contributes 25%. In case of North-East region and Jammu & Kashmir, the premium is shared in the ratio of 90:10 by the Central Government and State Government respectively.
- The beneficiary family pays Rs.30 per annum per family as registration / renewal fee. Administrative cost is borne by the State Governments.
- Coverage of all pre-existing diseases.
- Coverage of hospitalization expenses, including maternity benefit.
- Payment of transportation cost of Rs.100/- per visit.

1.9 During the course of modernisation, apart from BPL families, RSBY coverage has been extended to following additional categories:

- Building & Other Construction Workers;
- Railway workers;
- Street Vendors;
- MGNREGA workers who have worked for more than fifteen days during preceding financial year;
- Beedi workers; and
- Domestic workers.

1.10 Government has further approved on 04.09.2013 extension of RSBY to Sanitation Workers, Mine Workers, Rag Pickers, Handloom workers and Auto/Taxi Drivers.

1.11 As on 30.04.2014, about 3.71 crore smart cards are active and 28.62 lakh persons have availed hospitalization facilities in 28 States / UTs, namely, Andhra Pradesh, Assam, Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Puducherry and Chandigarh Administration. Andhra Pradesh has just begun the process of rolling out smart cards for extending RSBY to Building and other Construction Workers in one district. Similarly, Madhya Pradesh has completed the process for selection of Insurance Company and has just commenced rolling out smart cards. Sikkim is also in the process of implementation of the scheme. Tamil Nadu and Goa had participated in the scheme earlier but have now launched their own health insurance schemes.

1.12 The National Social Security Fund has been set up for unorganised sector workers with an initial corpus of Rs.1000 crore. The Fund is to be utilised for financing schemes for unorganised workers.

LABOUR WELFARE FUNDS

1.13 The Ministry of Labour & Employment is administering five Welfare Funds for beedi, cine and certain categories of non-coal mine workers. The Funds have been set up under the following Acts of Parliament for the welfare of these workers:-

- The Iron Mines Labour Welfare Fund Act, 1946;
- The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972;
- The Iron Ore, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976;

- The Beedi Workers Welfare Fund Act, 1976; and
- The Cine Workers Welfare Fund Act, 1981.

1.14 The above Acts provide that the Fund may be availed by the Central Government to meet the expenditure incurred in connection with measures which are necessary to provide for the welfare of such workers, in order to give effect to the objectives laid down in the above Acts. various welfare schemes have been formulated and are under operation in the fields of health, social security, education, housing, recreation and water supply.

OTHER INITIATIVES FOR UNORGANIZED SECTOR WORKERS

1.15 According to the Revised Integrated Housing Scheme (RIHS), 2007-08 for beedi workers etc. the central subsidy of Rs.40,000/- per tenement per worker for construction of a house is released in two installments, the first in advance after the certificate / receipt of the worker's contribution of Rs.6000/- is deposited with the Welfare Commissioner and the second after the construction reaches roof level.

1.16 Several other welfare schemes viz. health and medical care, scholarships for school / college going children Rs.2500/- per year for 1st standard to Rs.6,000/- for professional degree courses (i.e. BE/ B.Tech./ MBBS / BAMS / BUMS / B.Sc.(Agriculture) and MBA / BBA etc) are being implemented for workers and their families.

1.17 The Government has enhanced the rate of Cess levied on manufacturer beedi from Rs.2/- to Rs.4/- and again to Rs.6/- per thousand beedis w.e.f. 01.04.2008.

1.18 There are around two crore construction workers in the country. To protect their interest, Government has enacted the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and the Building and other Construction Workers Welfare Cess Act, 1996.

1.19 Besides providing for good working conditions, these Acts also include provision to collect cess @ 1% on every construction activity costing more than Rs.10 lakh. Amount of cess so collected forms the corpus of the fund, out of which various welfare schemes viz. Group Insurance, Medical and Health Care, Scholarships, Pension, etc. are implemented for the construction workers.

1.20 In order to expedite the process of implementation, a special Group has been constituted, which has held various region-wise meetings. Further, workshops to assist the State Governments / Union Territories in formulation of Rules etc. have also been held.

Scheme for Grant to Provide Medical Facilities to Beedi Workers

1.21 The Government has launched a scheme on pilot basis for providing one time grant of Rs.2 crore or 75% of the actual cost of construction of the hospital building or including the cost of medical equipments, whichever is less, to all the State Government / Employees State Insurance Corporation / Housing Cooperative Society / Reputed NGOs etc.

1.22 Similarly, one time grant-in-aid would also be available for purchase of Ambulance / Mobile Van equipped with medical / laparoscopic equipments etc., upto the limit of Rs.3 lakh. Further, an amount equivalent to 75% of the actual cost of the medicines supplied to beedi workers and their dependents subject to maximum of Rs.10 lakh per annum will also be available towards reimbursement of expenditure on medicines.

PROCEDURAL IMPROVEMENTS

1.23 In order to provide hassle-free industrial environment, and to reduce unnecessary interference of inspecting staff, the following steps have been taken: –

(i) Employees State Insurance Corporation (ESIC):

1.24 The Employees State Insurance Act, 1948 has been amended vide ESI (Amendment) Act, 2010 w.e.f. 01.06.2010 for enhancing the social

Security coverage, streamlining the procedure for assessment of dues and for providing better services to the beneficiaries. The salient features of the Amendments in the Act have been given in Chapter II. Several other steps have been taken to provide hassle-free services to its stakeholders such as IT Roll Out Plan, starting medical education institutions, extending Model Hospital Scheme etc as explained in subsequent parts of this chapter.

1.25 The new Inspection Policy gives priority to inspections only in cases of newly covered units, defaulting units and closed units. Regular annual inspection has been reduced in respect of complying units which falls into the category of security, Manpower agencies, labour supply agencies and big employers etc. For rest of the complying units, inspection is required to be carried out in three years.

(ii) Employees Provident Fund Organization (EPFO):

1.26 EPFO keeps the need for improving coverage under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 in sharp focus. In the past the traditional way of carrying out inspections of establishments was given a re-look and territorial jurisdiction of Enforcement Officers were done away with. The position was further reviewed during the current year.

1.27 Although for monitoring compliance of various establishments, the system assisted tool in the form of CCTS (Computerized Compliance Tracking System) was provided to the field offices of EPFO, no concrete system or procedure for extraction of ceaseless establishment was available to the compliance machinery. It resulted in isolated coverage of establishments and consequential legal implications as the establishments were mostly found coverable from retrospective dates but refused to take up past liability related to statutory dues, payment of interest and damages for belated remittance, prosecution cases etc. The Act is applicable on its own volition and these legal actions are attracted for non compliance for what so ever reason.

1.28 This necessitated issue of revised guidelines for improving Compliance / coverage. Accordingly, EPFO has issued fresh guidelines in April 2009 to all the field offices while restoring the territorial jurisdiction of Enforcement Officers with due care taken to address transparency factor from employers side by strengthening the supervisory mechanism on the conduct of the Enforcement Officers through consistently monitoring their performance and outcome and getting direct feed backs from the establishments, employers, employees and their Unions / Associations.

(iii) Chief Labour Commissioner (Central) (CLC(C)):

1.29 In respect of IT Software and IT Service Industries, the office of CLC(C) has advised its subordinate offices that routine and periodic inspections may not be necessary since the employees employed in these IT industries are usually qualified and, therefore, are in a better position to ensure compliance of the Acts. However, enforcement of labour laws in these establishments through returns submitted by the employers under various labour laws is being continued.

STRENGTHENING OF MACHINERY

1.30 The Ministry of Labour & Employment has been striving to promote harmonious industrial relations in the country. The Government, being committed to the ethos and culture of tripartism, took measures to revitalize it.

1.31 The Ministry continues to have consultation with the social partners to obtain a consensus for enacting new laws or bringing about changes in the existing laws. The objective of the Ministry is to suit the views of all the social partners in framing the policy for making laws. Accordingly, the Ministry of Labour & Employment held several tripartite meetings of various Committees/Boards during the year which, inter-alia, include:-

- The meetings of Central Board of Trustees (EPF) held on 13.01.2014 and 05.02.2014.
- The meetings of Executive Committee of

Employees Provident Fund held on 16.01.2014;

- The meetings of the Committee on Employees State Insurance Corporation held on 16.05.2013 and 28.01.2014;
- The meetings of Standing Committee, Employees State Insurance Corporation held on 05.06.2013 and 22.01.2014;
- The Meeting of Medical Benefit Council held on 12.04.2013;
- The meeting of Governing Body of Central Board for Workers Education held on 24.07.2013;
- The meeting of Executive Council, V.V. Giri National Labour Institute held on 22.07.2013;
- Standing Tripartite Committee (STC) has been constituted to examine the base year revision of CPI-IW Numbers. The Meetings of STC were held on 03.07.2013 and 28.02.2014;
- 46th Session of Standing Labour Committee was held on 30.01.2014.

1.32 Thus, the Ministry in true spirit is following the tripartite consultation process to strengthen the labour management relations.

1.33 A number of other legislative and executive initiatives have been taken to promote, protect and preserve health, safety and social security of workers through observance of the ethos and culture of tripartism. Some of the important initiatives taken during the year in this regard are summarised in the paras below:-

45th Session of Indian Labour Conference

1.34 The 45th Session of Indian Labour Conference was held on 17-18, May, 2013 in Vigyan Bhawan, New Delhi under the chairmanship of the Hon'ble Union Minister of Labour & Employment. The Conference was inaugurated by Hon'ble Prime Minister of India on 17.05.2013. Meeting was attended by senior representatives of Central Trade Union Organisations, Central Employer Organisations, Labour Ministers and senior officers from State Governments/UT Administrations and senior officers from Central Ministries/Departments. Labour Ministers from several states participated in the deliberations.



45th Session of Indian Labour Conference in progress

1.36 The items included in the Agenda for the conference, as decided by 45th Session of Standing Labour Committee held on 04.01.2013, were as under :-

(i) Service conditions, wages and social security for various categories of workers employed in different Central Government and State Government sectors (Anganwadi, Mid-day meal, ASHA, Sarva-Shiksha Abhiyan and other schemes) under various Ministries of Central Government.

(ii) Social Security with special reference to Assured Pension with indexation for all workers including self-employed.

(iii) Labour Law for mines and small enterprises.

(iv) Measures to improve employment and employability.

1.36 A special Session was held on 18.07.2013 which was attended by Mr. Guy Ryder, Director General of International Labour Organisation. Mr. Guy Ryder addressed the august gathering, which was the 1st Address by any Director General of ILO in Indian Labour Conference.

45th Session of Standing Labour Committee

1.37 The 46th Session of Standing Labour Committee was held on 31.01.2014 in New Delhi under the chairmanship of Shri Oscar Fernandes, Hon'ble Union Minister of Labour & Employment. Shri Kotikalapudi Sukaan, Hon'ble MoS (Labour & Employment) was co-chairman of the meeting. The Meeting was attended by senior representatives of Central Trade Union Organisations, Central Employer Organisations, Labour Ministers and senior officers from State Governments / UT Administrations and senior officers from Central Ministries / Departments. Labour Ministers from several States participated in the deliberations.



46th Session of Standing Labour Committee in progress

1.38 The Agenda for the 46th Session of Standing Labour Committee included the following items:

- Review on implementation of the conclusions/recommendations of the 43rd, 44th and 45th Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers;
- Social Security for the workers both in organised and unorganised sectors;
- Removing Micro and Small Enterprises from purview of Factories Act – especially those section / clauses which require them to obtain license to operate and require them to deposit fees for electric inspection;
- Necessary changes in Contract Labour (Regulation & Abolition) Act, 1970 and Industrial Disputes Act, 1947;
- Promoting Apprenticeship to promote employment and employability;
- Amendment of Bonus Act – Removal of conditions on payment ceiling, eligibility limits, decisions to pay minimum bonus without linking to loss when the performance indicator satisfy grant of bonus
- Tripartite mechanism (Dialogue and representation in Public Sector, Joint Machinery at Govt. level).

1.39 After detailed deliberations, SLC has decided to include the following four agenda items for detailed deliberations in the 46th Session of Indian Labour Conference:

- Review on implementation of the conclusions/ recommendations of the 43rd, 44th and 45th Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers and Tripartite Mechanism;
- Social Security for the workers both in organised and unorganised sectors;
- Removing Micro and Small Enterprises from purview of Factories Act – especially those section / clauses which require them to obtain license to operate and require them to deposit fees for electric inspection;
- Amendment of Bonus Act – Removal of conditions on payment ceiling, eligibility limits, decisions to pay minimum bonus without linking to loss when the performance indicator satisfy grant of bonus.

INDUSTRIAL RELATIONS

1.40 Maintenance of harmonious industrial relations remains an avowed objective of Ministry of Labour & Employment. Due to constant endeavour of the Industrial Relations Machineries of both Centre and the States, the overall industrial relations climate has generally remained peaceful and cordial. While the number of instances of strikes and lockouts reported during 2008 were 421, these figures stood at 129 (Provisional) upto September 2013 and have exhibited a declining trend over the period. Similarly, the figures for mandays lost were 17.40 million in 2008 and 2.48 million (Provisional) upto September 2013.

1.41 As regards the spatial / industry wise dispersion of the incidences of strikes and lockouts, these exhibit widespread variation among different States / UTs. Wage & Allowance, Bonus, Personnel, Indiscipline & Violence and Financial Inducements (excluding Insurance & pension funds) are the major reasons for these strikes and lockouts.

1.42 Twenty two Industrial Tribunal-cum-Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of industrial disputes in organisations for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh (two courts each) and one each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneshwar, Ahmedabad, Ernakulam, Asansol and Guwahati.

1.43 In order to reduce pendency of cases, Lok

Adalats are being organized by the DSLR-cum-Labour Courts 01.04.2013 to 31.03.2014, 43 Lok Adalats were held and 48 cases were settled. The process of Lok Adalats provides a platform for settlement of Industrial Disputes through mutual consent and agreement between the litigant parties and depends on their willingness. Therefore, organization of Lok Adalats and number of cases settled thereby varies accordingly.

VULNERABLE SECTIONS

Child Labour

1.44 Elimination of child labour is an area of great concern and Government of India is committed to address the issue. Considering the magnitude and nature of problem, it is following a robust multi-pronged strategy to tackle the problem of child labour. It comprises of statutory and legislative measures, rescue and rehabilitation, universal primary education along with social protection & poverty alleviation and employment generation schemes. The objective is to create an environment where families are not compelled to send their children to work. Government has adopted a supportive approach to withdraw and rehabilitate working children, beginning with those working in hazardous occupations/processes.

Policy on Child Labour

1.45 The National Policy on Child Labour declared in August, 1987, addresses the complex issue of child labour in a comprehensive, holistic and integrated manner. The Action Plan under this policy is multi-pronged and mainly consists of:-

- a Legislative action plan
- b Project based action in areas of high concentration of Child Labour
- c Focus on general development programmes for the benefit of the families of Child Labour

Legislative Action Plan

1.46 Under the Legislative Action Plan, the Child Labour (Prohibition & Regulation) Act was enacted in 1986. The Act prohibits employment of children below the age of 14 years in 18 occupations and 65 processes (Part A of the Schedule) and regulates the conditions of employment in all occupations and processes not prohibited under the Act (Part B).

Project Based Action Plan in the areas of high concentration of child labour

1.47 In pursuance of National Child Labour Policy, the NCLP Scheme was started in 1988 to rehabilitate child labour. It is an ongoing Central Sector Scheme. Under the Scheme, working children are identified through child labour survey, withdrawn from work and put into the special training centres so as to provide them with an environment to subsequently join mainstream education system. In these Special training centres, besides formal education, the children are provided stipend, supplementary nutrition, vocational training and regular health check-ups. In addition, efforts are also made to target the families of these children so as to cover them under various developmental and income / employment generating programmes of the Government to raise the economic standard of the family. Further, under the Scheme the Ministry funds awareness generation campaigns against the evils of child labour and enforcement of child labour laws through electronic and print media.

Present Status of NCLP Scheme:

1.48 The National Child Labour Scheme was initially launched in 12 child labour endemic districts in 1988. At present NCLP Scheme is sanctioned in 273 districts in the country. As on date about 8000 special training centres are in operation with enrolment of approximately 3 lakh children under NCLP scheme. Till 31.12.2013, more than 10 lakh children have been mainstreamed into the formal education system under the scheme.

1.49 As poverty is the primary cause of such a social evil, the educational rehabilitation of such children is further complemented by the

economic rehabilitation of the families of child labour through the convergence approach so that the child labour and their families are covered under the benefits of the schemes of various Ministries / Departments of the Government of India like Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation and Rural Development.

Re-alignment of NCLP Scheme with RTE Act, 2009

1.50 With the enactment of Right to Education Act, 2009, there is a need for realignment of the NCLP Scheme with the provisions of RTE Act, 2009. Ministry of Human Resource Development vide their letter No. 15-1/2009-EE.4 dated 30.07.2010 intimated that the NCLP Schools can serve as special training centers for un-enrolled and out of school children in accordance with the provisions of Section 4 of the RTE Act and Rule 5 of the Right of Children for free and compulsory education (RTE) Rules, 2010.

1.51 Government is also laying bill of shape on the enforcement of the Child Labour (Prohibition & Regulation) Act. To make the provision of the Act more stringent a comprehensive amendment in the Child Labour (Prohibition & Regulation) Act, 1986 is under consideration with the Government which inter-alia cover contents like ban of employment of children upto the age of 14 years, linking the age of the ban on employment with the age for free and compulsory education under Right to Education Act, 2009, prohibition on employment of children upto 18 years in hazardous occupations etc. The proposal has already been approved by the Cabinet and the Bill has been placed on the Table of the House. The Report of the Parliamentary Standing Committee has been received and is under examination of the Government. The proposed amendments will enable the Government to ratify ILO Convention 138 and 182.

Women Labour

1.52 The Government is committed to improve the working conditions of women workers. In this direction, guidelines for the prevention of sexual harassment of women employees in their workplaces have been framed. Simultaneously, instructions have been issued to the Central Ministries / Departments, State Governments / UT Administrations and all CPSUs for strict implementation of the guidelines. The Conduct Rules applicable to the Central Government and the All India Services have since been amended to give effect to these guidelines. The Industrial Employment (Standing Orders) Central Rules, 1946 have also been amended to make the guidelines applicable to employers in the private sector.

1.53 Further, amendments have been notified in the Industrial Employment (Standing Orders) Central Rules, 1946 to provide that the Complaint Committee established in each establishment for inquiring into a complaint of sexual harassment shall be deemed to be the inquiring authority appointed by the employer for the purpose of these rules.

1.54 A complaint Committee on Sexual Harassment at Workplace to deal with the complaints of sexual harassment of women employees at Ministry of Labour & Employment and its attached offices has been reconstituted.

Bonded Labour

1.55 The system of debt bondage in India originated from unclear social structure characterized by feudal and semi feudal conditions. To abolish this system, the Bonded Labour System (Abolition) Act, 1976 has been enacted.

1.56 In order to assist the State Governments in the task of rehabilitation of released bonded labourers, the Ministry of Labour & Employment launched a "Centrally Sponsored Plan Scheme" on 02.02 sharing basis in regard to funding in May, 1978. Under the scheme, rehabilitation assistance of Rs.20, 000/- per bonded labourer is provided.

1.57 The modified scheme also provides financial assistance to the State Governments/ Union Territories for conducting survey of bonded labourers, awareness generation activities and

impact evaluation. A sum of Rs.7863.32 lakh has been released under the scheme to the State Governments up to 30.11.2013 for rehabilitation of 2,77,410 bonded labourers.

SOCIAL SECURITY

1.58 The Government has enacted a number of legislations in the area of Social Security for the workers. The important Acts in this regard are the Workmen's Compensation Act, 1923 (now renamed Employees Compensation Act), 1923, the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Maternity Benefit Act, 1961, the Payment of Gratuity Act, 1972 and the Employees State Insurance Act, 1948. Several initiatives have recently been taken to accord larger benefits to workers covered under these Acts as detailed below: -

Employees' State Insurance Corporation (ESIC)

1.59 To provide medical care and cash benefits in the case of sickness, maternity and employment injuries, the 'Employees' State Insurance Act was enacted in 1948. The Employees' State Insurance Corporation (ESIC) is implementing the ESI Scheme introduced since 1952. The achievements of the Corporation are as under:-

1.60 New Implemented Areas: The Scheme was extended to 62 new areas covering additional 1.89 lakh employees during the period 01.04.2013 to 31.12.2013.

1.61 Number of Insured Persons / Beneficiaries: The number of insured persons covered under the ESI Scheme is 1.85 crore. The number of beneficiaries covered under the Scheme has gone up to 7.21 crore.

1.62 Enhancement of Cash Benefits: The ESIC has disbursed Rs.5913.59 crore as benefits in cash during the period 01.04.2013 to 31.12.2013. The number of Cash Benefit payments has gone up to 29.23 lakh during the period 01.04.2013 to 31.12.2013.

1.63 Rajiv Gandhi Shramik Kalyan Yojana (Unemployment Allowance): The number of claims admitted during the period 01.04.2013 to 31.12.2013 was 1.14 and the expenditure on this scheme was Rs.2.31 crore. Besides this, the beneficiaries under Unemployment Allowance Scheme (RGSKY) have also been made entitled for getting Vocational Rehabilitation, Skill Development trainings for re-employment for a maximum period of six months.

Recent Improvements:

- Payments through ECS: Almost all cases of PDW/DR payments are being made through ECS.
- Minimum Dependent Benefit has been raised to Rs.1200/- per month / per family unit w.e.f. 01.03.2013.
- The EDI Scheme has been extended to newly educational institutions and medical institutions in 21 States/Union Territories & 22 States / UTs respectively.
- 22 States / Union Territories have on its issued notifications reducing the threshold for coverage of shops and other establishments under the EDI Scheme from 20 to 10 or more persons.
- The payment of Conveyance Allowance to the Insured Persons @ Rs.100/- is being made for submission of Life Certificate once in a year in Permanent Disability Benefit cases.
- Medical Benefit Expenditure increased from Rs.2688.87 crore in 2011-12 to Rs.4008.13 crore in 2012-13.
- Model Hospital Scheme:- ESI Corporation has taken a decision to set up one hospital in each State as Model Hospital. ESIC has set up Model Hospital in 21 States so far. The expenditure on Model Hospitals is fully borne by ESI Corporation.
- Starting Of Medical Education Institutions:- ESIC has also entered into field of Medical Education. The administration process has

been completed in 182 courses (MBBS) for the academic session 2013-14 in four ESIC Medical Colleges located in the States of West Bengal, Tamil Nadu and Karnataka.

- For providing medical education to the wards of insured Persons, reservation has been made in the admission to 15% seats (MBBS) in these medical colleges under 'ESIC Management Quota' as per admission policy and procedure approved by Central Government.
- Media Campaign: Awareness Campaign on ESI Scheme and its benefits, through Print Media, Hoardings have been launched throughout India in Hindi, English and respective vernacular languages of the States to bring awareness and educate various stake-holders. The Wall-less Media Vans were launched for preventive medical care.

Employees' Provident Fund Organisation

1.84 The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 provides for compulsory provident fund, pension and deposit-linked insurance in factories / establishments employing twenty or more employees in industries mentioned in Schedule to the Act. The Government of India through the Employees' Provident Fund Organisation (EPFO) administers the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and the following three Schemes framed there under:

- Employees' Provident Funds Scheme, 1952;
- Employees' Pension Scheme, 1995 and
- Employees' Deposit-Linked Insurance Scheme, 1976.

1.85 The progress achieved by the EPF Organisation under various areas is given in the paragraph below. The reforms introduced are also given in brief as under:

Membership

1.86 As on 31.03.2013, there were 7,05,109 establishments covered under the Act out of which 3181 were exempted establishments. The total membership in the Employees' Provident Fund was 1536.63 lakh with membership in the Pension Fund being 612.36 lakh.

Claim settlement

1.87 During 2013-14, 121.86 lakh members' claims were settled.

Contribution by Members

1.88 Total corpus of cumulative contributions received against all three Schemes administered by EPFO so far, as on 31.12.2013 stood at Rs.70,481.89 crore. During the year 2013-14, the total contributions received under all three Schemes amounted to Rs.84,667.80 crore (contribution of exempted establishments upto 31.12.2013).

Rate of Interest

1.89 The rate of interest declared on the deposits of members to the Employees' Provident Fund was 8.75% (on monthly running balance) for 2013-14. During the year, 1358.89 lakh annual statements of accounts were issued to members of un-exempted establishments.

Compliance

1.90 During the year 2013-14 (upto December 2013), 182 prosecutions cases were launched against defaulting establishments under section 14 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and 438 cases decided during the year. 10,170 Recovery Certificates for an amount of Rs.501.09 crore dues under EPF Scheme were issued under section 8 of the Act. 8,831 Recovery certificates were issued against dues of Rs.730.08 crore under Employees' Pension Scheme, 1995 and 6,614 Recovery Certificates were issued against dues of Rs.19.28 crore under EDLI Scheme. 304 FIRs and 8 chalans were filed by the police in various courts under section 406/409 of Indian Penal Code for recovery of dues from defaulting establishments.

1.71 The Employees' Pension Scheme, 1995 (EPS) has been formulated following actuarial principles for ensuring long term financial sustenance. It is financed through contribution from the employers at the rate of 8.33 percent of the wages of Employees and the Central Govt. also contributes 1.16% of the wages of the Employees. Any increase in the amount of pensionary benefit depends on the financial position of Pension Fund.

1.72 The quantum of pension to members of EPS, 95 is actuarially calculated in accordance with the provisions of the Scheme. To review the rates of contributions and quantum of the pension and other benefits, Para 32 of the Scheme provides for annual valuation of the Pension Fund. Since 2001 actuarial valuations have been shown valuations deficit in the Scheme. The latest actuarial valuation i.e. 14th, 15th and 16th (combined) Valuation Report as on 31.03.2012 has been submitted by the appointed Valuer and is being examined by the Central Government. The 17th Valuation of Employees' Pension Fund as on 31.03.2013 is currently under process.

1.73 The Central Government *vide* Order No. A-16022/3/2007-SS.II dated 13.06.2008 appointed an Expert Committee to look into the Employees' Pension Scheme 1995 and to give its views. In the meeting, it was decided that the Report shall be first discussed in the Pension Implementation Committee of the Board and then deliberated in detail in the subsequent meeting.

1.74 Accordingly, Report of the Expert Committee was placed in 28th, 29th, 30th, 31st and 32nd meeting of the Pension Implementation Committee held on 13.11.2010, 07.12.2010, 09.02.2011, 28.06.2011 and 10.07.2011 and finally Pension Implementation Committee gave recommendation to increase minimum monthly pension under Pension Scheme to Rs.1000/- p.m. as an interim measure by enhancing the rate of contribution into the Pension Scheme by 0.03%. The same was discussed in the 197th, 198th and 199th meeting of the Board, held on 23.12.2011, 22.02.2012 and 25.05.2012 respectively.

1.75 Neither Employers' nor Employees' representatives agreed to bear the additional contribution. Employees' representatives stated that additional 0.03% contribution should be borne by the Central Government. The Board in its 199th meeting held on 25.05.2012 was also informed that due to the pressing urgency of the matter, after a meeting called by the Secretary (L&E), a proposal was sent by EPFO to Central Government *vide* letter dated 27.03.2012, requesting to take either of the following actions so that minimum pension can be enhanced to Rs.1000/- per month:-

- enhance the rate of contribution of Central Government from existing 1.16% to 1.76% towards Pension Scheme; or
- to withdraw ten year's bonus, currently available on completion of 20 years to pensionable service as provided in para 10(2) of EPS, 1995.

1.76 The Ministry, after inter-ministerial consultations regarding revision in pensionary benefits under Pension Scheme, submitted a Cabinet Note to the Cabinet Secretariat on 12.10.2012. Thereafter, the issue was examined by a Committee of Secretaries in its meeting held on 09.05.2013. The Committee of Secretaries recommended that while the objective of providing minimum pension to the member pensioners under the EPS 1995 is laudable, this can be achieved only when funds are available. In view the additionality effects may, therefore, be mobilized by the stake holder Ministries / Departments to find a consensus on various issues raised in the meeting.

1.77 However, the Ministry of Finance, Department of Expenditure on 21.01.2014 agreed to the Ministry's proposal for providing the minimum monthly pension of Rs.1000/- per month to the pensioners under Employees' Pension Scheme (EPS), 1995 by way of providing budgetary support for the financial year 2014-15 on an actual basis amounting to

Rs.1217.03 crore with the stipulation that further adjustment shall be made based on an actuarial valuation and further subject to certain conditions. The conditions / modifications suggested in 203rd meeting of the Central Board of Trustees, EPF held on 25.03.2014 while considering the item on increase in minimum pension to Rs.1000/- and wage ceiling from Rs.6500/- to Rs.15,000/- alongwith proposed modifications in EPS 1995.

1.78 Thereafter, the matter was submitted for consideration and approval of the Union Cabinet. The Cabinet approved the proposal of providing a minimum pension of Rs.1000/- for the financial year 2014-15.

1.79 Accordingly, the proposed modifications in EPS, 95 have been drafted and duly vetted by the Ministry of Law & Justice and Gazette Notification to this effect is likely to be published soon.

Computerization Plan of Employees' Provident Fund Organization

1.80 It has been constant endeavour of Organization to use the potential of Information and Communication Technology not only to modernize internal business operations but also to provide efficient, effective and accountable service to the public.

1.81 The business processes of the various functions of Employees Provident Fund Organization have been computerized. Settlement of claims such as withdrawal, pension claim settlement, transfer and updation of annual accounts have also been fully computerized and no manual processes are being undertaken in any of these areas.

1.82 In the financial year 2013-14, several new initiatives have been taken by EPFO to provide better services to its beneficiaries and also to the employers.

i) Auto annual interest crediting: After the launch of ECR system it is now possible to auto credit the annual interest at the end of financial year in members account on basis of the monthly returns submitted during the payment. This auto facility has been provided during the financial year 2013-14.

ii) Certificate of Coverage: Centralized software for generation of "Certificate of Coverage" to the EPF members migrating to countries having Social Security Agreement (SSA) with India has been launched in August, 2013.

iii) Online Transfer of Account: To smoothen the process of transfer of accounts, a facility has been provided wherein the members can file their claims online if their employer has registered digital signature with EPFO. The facility has reduced the time taken to transfer PF accumulation of member from one PF account to another PF account. There would be no paper movement between two offices.

iv) Online return of Exempted establishments: To effect an IT driven monitoring mechanism for the over 2,700 Private Provident Fund Trusts regulated by it so as to improve the delivery of services, EPFO launched a software to enable the exempted establishments to file an online monthly return. The objective of this software is to make the process of submitting the monthly return by exempted establishment less tedious, obviating the data entry of repetitive nature and minimizing common human errors.

WEB ENABLED SERVICES

1.83 EPFO, with an objective to bring greater transparency, has provided a number of services through its website www.epfindia.gov.in which have been disseminating a great deal of information to the stakeholders with high degree of safe. Employees, employers, EPFO and public at large have an open access to the information.

1.84 Following noteworthy initiatives were taken by the EPFO:-

(a) Establishment Search facility: This facility has been provided to help the members to know the code number of their establishment and also to find the EPFO Office under which their claim

was to be processed. Since the launch of the ECR, the remittance position of the establishments and the names of the members for whom the employer had remitted have also been added to the search facility. This additional facility was launched on 16.10.2012.An immediate effect of this feature is that the Principal Employers who were earlier dependent on the manual copy of the challan receipt supplied by the contractor's can now themselves verify the payments as also the names of the members that have been employed by them through the contractors.

(b) Know Your Claim Status Link: The status of the claims that are received from the members is available in a search mode on the website through this link. Now a member can visit the site any time to know whether his claim has been approved and whether the payment has been processed. In case he/she had mentioned his/her mobile number in the claim form, he / she also gets SMS alert at each stage of the claim processing.

(c) Know your PF Balance Link: Before the launch of the Member Portal, a facility to get the updated PF balance as on the date of query through SMS was launched through this link. Even now a member who has downloaded his e-pass book can get his monthly updates through this link.

(d) Dash Boards to display the performance of the Offices in the area of Claim Settlement: After computerization, the settlement of claims has become faster. As per the Scheme and the Citizen's Charter, the time limit to settle a claim is 20 days. However, in several of the offices, the claims are being settled in a lesser time. A Dash Board, which is in public domain, shows the comparative performance of the offices. It has also introduced a healthy competition amongst the offices to deliver better services.

(e) Dash Board to display the performance of the Offices in the area of updating Annual Statement of Account of the PF Members: Earlier in the manual environment the updation of the accounts involved data entry and reconciliation. Now computerization followed by launch of ECR, the updating of accounts has become very swift. As compared to the earlier achievement of the EPFO in updating around 5 to 6 crore accounts in the manual environment, EPFO could update around 17 crore account last year. A Dash Board also played its part in creating an environment of healthy competition within the Organization.

(f) Dash Board to display the performance of offices in remittance of the payments due to the members through NEFT/CBS: EPFO had earlier started the payment of members' amount through NEFT and CBS and at present more than 94.00% cases are being sent through electronic mode resulting in faster credit of the members' bank account.

(g) All MIS Reports of the Organization: The details of performance in all areas of the working of EPFO which is monitored through MIS Reports are available in public domain. Region wise and year wise information is available, which includes the Defaulters List where all establishments that are having assessed arrears of more than Rs.25 lakh are listed in the MIS Return No.(10 and 11) for the exempted and un-exempted category respectively).

EFFICIENCY ENHANCEMENT THROUGH THE INITIATIVES

1.66 These initiatives have greatly resulted in major efficiency enhancements for all the stakeholders involved namely employer, employee and the Organization:

(a) For employees (EPF member)

- The EPF members have web based access to their accounts (balances / claim status and they can also get the claim status update through SMS facility.
- With the introduction of ECR system, the **provident fund accounts of the employees are** updated on monthly basis. This is a huge improvement over the earlier system when the accounts were updated on annual basis and the member used to get the actual statement of accounts showing their balances only after the completion of financial year.

- Each payment made by the employer is linked to the names of the employees in respect of whom the dues are being remitted. List of all such employees against each remittance is available in the public domain on the EPFO website.

- Employees can get their statement of accounts with monthly credits through the employer and also by themselves through the member portal.

- The claim settlement process has been expedited due to monthly updation of accounts. Earlier, as the remittance status of dues of individual employee was submitted by the employer at the end of financial year through an annual return, the employee was required to provide the information about the dues remitted in respect of claimant employee for the past period of the year resulting in delays. With the implementation of ECR system, the accounts are updated on monthly basis and the claims can be expeditiously settled on the basis of information received through monthly ECR. This also has had a significant bearing on the Organization's performance in the claims settlement are where it is seen that the proportion of claims settled within the mandatory 20 days period has increased from 66 percent to 86.71 percent during this year. Significantly about 20 Offices have also been able to enhance their efficiency levels to the extent of settling more than 90 percent of their claims within 3 days.

(b) For employers

- The employers have been facilitated by the introduction of e-Return tool in generating returns in soft form. They don't need to prepare the same afresh every month. Only consequential changes in the subsequent months need to be made.

- The employers are now required to file single monthly return (ECR) in place of three monthly returns and two annual returns as in the earlier manual system resulting in savings in terms of time, money and energy.

- The challan is generated on the basis of the electronic return filed leaving no scope for any error in the remittance process due to wrong data entry.

- The employer has an option to remit the dues through net banking facility of State Bank of India, thereby freeing the employer from visiting the EPFO office (for submission of physical return) and bank (for remittance of dues).

- The principal employer can get to know the remittance status of all his contractor employees whose dues are being remitted by the contractor himself. This facility on the EPFO website is a useful monitoring tool with the principal employer to detect and avoid any evasion on the part of contractor in respect of contract employees employed with him.

- Employers can download and print the annual statutory slips for their own employees. Earlier there was no such option and the annual statement of accounts was issued by the respective field office.

(c) For Organization

- With the introduction of ECR facility, the receipt of electronic return has ensured that the data is available in soft form. Thus there is no need to punch in the data of the physical returns as received earlier. Besides, the errors resulting from manual data entry have been totally eliminated.

- The reconciliation of dues as restricted through return and the remittances made has been automated. This has led to tremendous increase in efficiency in updation of accounts since as a consequence of the initiative, auto-updation of accounts has been made possible without any manual intervention.

- Now there is no scope of excess or short credit in the account of members as was found earlier in case of mismatch between the monthly return and annual returns. The

entire process of credit to the member's account is based on the actual remittance made after due reconciliation of dues and payment. This has also significantly reduced the number of grievances being reported on this account.

- The Project has for the first time enabled the collection of accurate statistics on the numbers and transaction values of the establishments and membership.
- The process re-engineering initiative has come at a highly reasonable cost to the Organization which has been less than Rs.1 crore as initial set up cost and about Rs.60 lakh as the annual maintenance expenditure. When considered against the total number of direct beneficiaries of this Project (about four crore members and 4 lakh establishments), it would be safe to surmise that the Project has delivered value for the money spent.
- Online MIS system has improved the functional efficiency of the Organization through better monitoring and healthy competition amongst the field offices.
- Further, these initiatives have also addressed the aspect of sustainability especially from the following three principal perspectives-(i) Process (ii) Manpower and (iii) Technology.

(i) Process: The process of filing of returns and remittance of dues is backed by the Act, Scheme and Manual provisions and as such, the facility should continue to remain in force till it encounters any legal amendment leading to a fundamental change in the Act which may redefine the basic role of the stake holders.

(ii) Manpower: Continued availability of competent and technically-qualified manpower is ensured by way of undertaking extensive training programmes for the in-house technical personnel. Hiring of qualified and professional manpower from the open market also has brought in the much needed technical depth for the Organization's own technical staff. The new technical users of the application software have also been made to undergo extensive 'Train the trainer' training programmes which has ensured a continued process of training. The Organization's zonal training institutes also play an active role in extending periodic training.

(iii) Technology: The technology used for this initiative is open ended and robust. Right from the stage of initial development, care has been taken to ensure that the various application software remain non-proprietary and remain open source to ensure cross compatibility across various platforms.

Trainings in ZTIs

1.86 The National Academy co-ordinates with the ZTIs for designing and implementing training courses in a uniform basis for personnel working in the supervisory and operative levels in the EPFO. It is intended that all personnel, at appropriate points of time, should be given necessary training exposure through induction Courses, In-service courses and specialized course/ workshops, in order to upgrade their professional skills for discharging their functions in the field formations and at the HO.

Training Activities at ZTIs

1.87 The following activities have been undertaken by ZTI:-

- Induction courses for newly appointed/ promoted SSAs, SS and EOs / AOs
- Refresher courses for Group B and C officials in functional areas
- Specialized programmes on Customer Services, HRM, RTI & Women's empowerment
- Workshop for Employer / Employees.

1.88 During the year 2013-14, 87 training programmes were organised by NATRSS in which 1311 participants had participated and 278 training programmes were organised by the four ZTIs and the Sub-ZTI, in which 4611 participants had participated.

THE MINIMUM WAGES ACT, 1948

1.89 The Minimum Wages Act, 1948 was enacted to safeguard the interests of workers mostly in the unorganised sector. Under the provisions of the Act, both the Central Government and the State Governments are the appropriate governments to fix, review, revise and enforce the payment of minimum wages to workers in respect of scheduled employments under their respective jurisdictions. There are 45 scheduled employments in the Central Sphere and as many as 1679 in the State Sphere. The enforcement of the Minimum Wages Act, 1948 is ensured at two levels. While in the Central Sphere, the enforcement is done through the inspecting officers of the Chief Labour Commissioner (Central) commonly designated as Industrial Relations Machinery (CIRM), the compliance in the State Sphere is ensured through the State Enforcement Machinery.

1.90 In order to protect the minimum wages against inflation, the Central Government has introduced Variable Dearness Allowance (VDA) linked to Consumer Price Index. As regards States/ UT Administrations, 36 of them have made VDA as a component of minimum wages. Both Central and State Governments are revising the minimum wages in respect of these scheduled employments from time to time. In the Central sphere, the rates were last revised w.e.f. 01.10.2013.

1.91 In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, a concept of National Floor Level Minimum Wage (NFLMW) was mooted on the basis of the recommendations of the National Commission on Rural Labour (NCRL) in 1991. NFLMW was revised from time to time. The Central Government has recently revised the NFLMW from Rs.160/- to Rs.180/- per day with effect from 01.01.2013. It, however, needs to be noted that the National Floor Level Minimum Wage is a non-statutory measure.

THE PAYMENT OF WAGES ACT, 1936

1.92 The Payment of Wages Act, 1936 ensures timely payment of wages and that no unauthorised deductions are made from the wages of the workers. In exercise of the powers conferred by sub-section (3) of Section 7 of the Act, the Central Government, on the basis of figures of the Consumer Expenditure Survey published by National Sample Survey Office, has enhanced the wage ceiling from Rs.10,000/- to Rs.18,000/- per month w.e.f. 11.08.2012.

THE PAYMENT OF WAGES (NOMINATION) RULES, 2937

1.93 In pursuance of the recommendations of the Special Task Force set up by the Ministry of Women and Child Development on protection of legal equality to women, the Central Government has notified the Payment of Wages (Nomination) Rules, 1937, vide notification GSR No.837 (E) dated the 26.08.2009 defining the procedure for nomination and matching the nomination by workers to his family members as far as applicable, in exercise of powers conferred by sub-section (3) of section 15 of the Payment of Wages Act, 1936.

WAGE BOARDS

1.94 The Government constituted two Wage Boards one for Working Journalists and other for Non-Journalistic Newspaper Employees under Sections 9 and 13-C respectively of the Working Journalists and other newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 vide Notifications in the Gazette of India (Extra Ordinary) S.O.No.606 (E) and S.O.No.610 (E) dated 24.05.2007. The Wage Boards had been given three years time to submit their reports to the Union Government.

1.95 The Government, in consultation with the Wage Boards for Working Journalists and Non-Journalistic Newspaper Employees, had notified the grant of interim rates of wages to journalists and other newspaper employees and News Agencies Employees at the rate of 30% of the basic wage with effect from 09.01.2009 vide Notifications S.O. No. 2532(E) and S.O. No. 2531(E) dated 24.10.2009.

1.96 The Wage Boards submitted their final Report to the Government on 31.12.2010. A

Notification accepting the recommendations of the Wage Boards has been published vide S.O.46.2332 (E) dated 11.11.2011.

1.97 Meanwhile, a Writ Petition No.244 of 2011 in the matter of ABP Private Limited Vs. UOI & Others alongwith 11 other Writ Petitions by other News paper employers were filed before the Hon'ble Supreme Court of India challenging the constitution and recommendations of the Majithia Wage Boards. The hearing in these cases has partly been heard and is being listed from time to time.

1.98 In order to monitor the implementation of the notification, a Central Level Monitoring Committee has been set up under the Chairmanship of Principal Labour & Employment Advisor. The first meeting of the Committee was held at Hyderabad on 24.05.2013 covering the 7 Southern States / UTs.

1.99 The Second Meeting of the Committee was held at Bhubaneshwar on 15.09.2013 in respect of 9 Eastern States namely Bihar, Chhattisgarh, Jharkhand, Odisha and West Bengal to review the implementation of the Wage Board Awards.

OCCUPATIONAL SAFETY & HEALTH (OSH)

1.100 The provisions on Occupational Safety & Health (OSH) of workers as provided for in the Constitution of India are being implemented through the offices of Directorate General of Mines Safety (DGMS) and the Directorate General of Factory Advice Service & Labour Institutes (DGFASLI).

1.101 The DGMS enforces the safety and health provisions for the workers in the mining industry through its Inspectors appointed under the Mines Act, 1952. The DGFASLI, through its Inspectorate of Dock Safety, enforces safety provisions in the Docks and also acts as the coordinating Agency at the national level for the Inspectorate of Factories functioning under different State Governments.

1.102 Some of the important events/ initiatives in the area of OSH are :

- Every year, Ministry of Labour & Employment distributes awards viz. Prime Minister's Shram Awards, National Safety Awards & Vishwakarma Rashtriya Puraskar and National Safety Awards (Mines) to workers.
- The Prime Minister's Shram Awards are given to the workers employed in Departments / Public Sector Undertakings of the Central and State Governments and the manufacturing units employing 500 or more workers in the private sector in recognition of their performance, devotion to duty etc. The Prime Minister's Shram Awards for the year 2012 has been announced on the eve of Independence Day and the applications for the Shram Awards for the year 2013 are under process.
- The Vishwakarma Rashtriya Puraskars (VRP) are given to individual workers or group of workers for their outstanding suggestions leading to improvement in productivity, safety and health as well as the import substitution resulting in the savings of foreign currency. The National Safety Awards (NSA) are given in recognition of good safety performance on the part of the industrial establishments covered under the Factories Act, 1948, the employers covered under the Dock Workers (Safety, Health and Welfare) Act, 1986 and Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Shri Mallikarjun Kharge, Former Minister of Labour & Employment gave away the NSA & VRP awards for the performance year 2011 in a function on 18.09.2013 at New Delhi.
- The National Safety Awards (Mines) are given at the national level in recognition of outstanding safety performance in mines covered under the Mines Act, 1952. The applications for the National Safety Awards (Mines) for the year 2011 and 2012 are under process.



Inauguration of Vishwakarma Rashtriya Puraskar and National Safety Awards function on 16.09.2015



An Awardee receiving the Vishwakarma Rashtriya Puraskar and National Safety Award

CENTRAL BOARD FOR WORKERS EDUCATION (CBWE)

1.102 The Central Board for Workers Education (CBWE) established in 1958, is a tripartite society set up for implementing the Workers Education Programmes at various level. The Board undertakes training programmes in respect of workers from organized, unorganized, rural and informal sectors.

1.103 The main objective of the training programmes is to create awareness among all sections of the working population. Supervisory and managerial cadres are also covered through Adult Education Programmes.

1.104 With headquarters at Nagpur, the Board has a network of 09 Regional and 9 Sub Regional Directorates spread throughout the country. The six Zonal Directorates at Delhi, Guwahati, Kolkata, Chennai, Mumbai and Bhopal monitor the activities of the Regional Directorates in their respective zone.

1.105 The Board has an apex level training institute – Indian Institute of Workers Education at Mumbai established in 1970 to conduct national level training programmes for the cadres of Central Trade Union Organisations / Federations, Voluntary Organisations besides training programmes for Board's employees. 11186 programmes for organized / unorganized sure and informal sectors were organized for 426647 workers during 2012-13. The figures include the programmes and workers trained by the trade unions under the Distribution scheme of the Board.

1.107 Since 1970 till 31st December, 2013, the Board has conducted 9119 programmes of varied durations, BWL at national level for 27,431 participants, in the organized, unorganized and rural sector. the Board has in all conducted 4,20,436 programmes of varied durations for 1,28,32,745 workers since inception till December, 2013.

1.108 Besides, the Board has been generating awareness among the informal sector workers about various welfare schemes brought by Labour Welfare & Development Programmes.

1.109 Special programmes for the beneficiaries of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) are being conducted by CBWE from the financial year 2011-12. A provision under plan scheme has been made to undertake the activities under MGNREGA project. The budget of Rs.6.13 crore has already been approved for the financial year 2012-13. 493 programmes for the 17844 workers in rural sector under MGNREGA scheme.

1.110 Indian Institute of Workers, Mumbai during the year 2012-13 has conducted 92 training programme for 1803 participants.

LABOUR STATISTICS

1.111 Accurate, timely and detailed statistics on various aspects of labour activities is necessary for framing policies. The Consumer Price Index for Industrial Workers (CPI-IW)(2001=100 which are compiled and disseminated by Labour Bureau is one such statistic. This indices is widely used to determine the dearness allowance of industrial workers and employees of Central, State and UT governments as also to fix/revise the minimum wages of organised and unorganised sector workers. The index is, therefore, of critical significance to the Government.

1.112 The Government had set up an Index Review Committee (IRC), a non-statutory tripartite body, to review and report on various aspects relating to compilation of Price Index Number for Industrial Workers (CPI-IW) New Series (Base 2001=100) including price collection mechanism and make recommendations, for further improvement. The IRC has since submitted its Report.

1.113 Labour Bureau also compiles, maintains and publishes Consumer Price Index Numbers for (i) Rural and Agricultural Labourers (Base 1986-87=100), (ii) Retail Price indices of 31 essential commodities and (iii) Wage Rate Indices for 21 industries.

1.114 The statistics on labour its reports and

reviews are available on Labour Bureau's Website(bilingual) http://www.labourbureau.gov.in and updated regularly.

1.115 Labour Bureau organises regular training programmes for (i) Price Collectors and Price Supervisors from various States and Union Territories, (ii) senior State / Central Government officers dealing with labour statistics collected under various labour laws, and (iii) the primary units furnishing the returns.

1.116 Besides, it also imparts training to (a) BSI / ISI probationers, (b) the foreign participants of I.S.I.C, Kolkata, sponsored by the C.S.O, (c) Junior Certificate Course training to Technical Officers deputed by C.S.O. and (d) Senior and middle level officers of I.S.S. for training in Labour and Price Statistics.

1.117 The Labour Bureau has so far conducted 20 sample surveys to assess the impact of economic slowdown on employment in India since the quarter October-December, 2008 covering Textiles including apparels, Metals, Gems and Jewellery Automobile Transport, IT / BPO, Leather and manmade / Powerloom sectors spread over 20 centers across 11 States/Union Territories.

1.118 According to the survey results, overall estimated employment in all selected sectors has experienced a net addition of 10.29 lakh starting from the first survey (October, 2009 to December, 2009) till the 20th Survey (October, 2013 to December, 2013). The Sector wise changes in employment occurred during the period covered under the 20 quarterly surveys conducted so far are as at Table 1.1.8.

1.119 In pursuance of the President's address to joint session of Parliament on 04.06.2009 with regard to submission of five annual reports to people including on employment the Ministry of Labour & Employment entrusted the task to Labour Bureau to conduct the household surveys on employment and unemployment. Labour Bureau conducted first such annual survey for the reference period from 01.04.2009 to 31.03.2010 during which about 46,000 household schedules were canvassed from 300 districts selected from 20 States/UTs.

1.120 The report on the first Employment -Unemployment Survey was released in September, 2010. The report on second Employment-Unemployment Survey with a fixed reference period of 2010-11 Agriculture Year (i.e. July, 2010 to June, 2011) was released in July 2012. The survey was conducted in all the States/UTs, by covering all the districts. A sample of more than 1.28 lakh households was covered during the survey. The third Annual Employment-Unemployment Survey was launched from October, 2012. In the third survey all the districts in the 36 States / UTs, of the country are covered. The sample size in the third EUS is about 1.36 lakh household scheduled. The report has been released on 19.08.2013. The proposal of Fourth Annual Employment-Unemployment Survey has been approved by the Ministry and the survey is in progress.

PLAN OUTLAY

1.121 The Ministry took up a number of plan schemes for the welfare and development of labour during the Eleventh Plan and Twelfth Plan. Special emphasis has been laid for elimination of child labour, abolition and rehabilitation of the bonded labourers, skill up-gradation and health insurance. The important schemes include Skill Development Initiative, Rashtriya Swasthya Bima Yojana and National Child Labour Project (NCLP). Apart from this, the new Schemes taken up during Twelfth Plan include Skill Development in 34 districts affected by Left Wing Extremism, Kaushal Vikas Yojana and Establishment of New ITIs in North-Eastern States.

1.122 The Planning Commission has made an allocation of Rs.13333 Crore for the Plan Schemes of the Ministry of Labour & Employment during the Twelfth Five Year Plan (2012-17). Against this, during 1st year of Twelfth Plan i.e. 2012-13, the Ministry was allocated Rs.2833.69 Crore by the Planning Commission (excluding Civil Works component of Rs.89.12 Crore which was transferred to Ministry of Urban Development). In addition, Rs.118.58 crore was

provided by Ministry of Finance from their National Social Security Fund for RSBY. The plan allocation for the Ministry was reduced to Rs.2600 crore at the RE stage (including Rs.119.59 crore provided by Ministry of Finance for RSBY). The actual expenditure, however, was Rs.1702.88 Crore. During 2013-14, a plan provision of Rs.2446.11 crore (including Civil Works component of Rs.77.00 crore transferred to Ministry of Urban Development) was been made by the Planning Commission.

INTERNATIONAL COOPERATION

1.123 A high level tripartite Indian delegation led by Shri Radhavul Suresh the then Hon'ble MOS (Labour & Employment) attended the 102nd Session of International Labour Conference of ILO at Geneva during 5-20 June, 2013.

1.124 A high level tripartite Indian Delegation led by the then Union Labour Secretary Dr. Mrutyunjay Sarangi attended the 6th India-EU Seminar on Employment and Social Policy on 'Social Protection' during 26-28 June, 2013 in Brussels followed by Tripartite Exchange Programme during 28 - 30 June, 2013 in Berlin and Lisbon.

1.125 A high level Indian Delegation led by Dr. Mrutyunjay Sarangi the then Secretary (Labour & Employment) attended the G20 Labour & Employment Ministerial Meeting in Moscow during 17-19 July, 2013. The theme of the meeting was 'Jobs Creation for Life and Development'. The meeting focused on following three interrelated areas:

- ✓ Job creation (Addressed through economic reform stand point and linked to the investments).
- ✓ Labour activation (Focus on social protection and creation of conditions, including education and labour market regulations, to get vulnerable groups to labour market).
- ✓ Monitoring of labour market development and progress made by countries in implementing the G20 employment agenda.

1.126 A high level delegation led by Dr. Mrutyunjay Sarangi, the then Secretary (L&E) attended the 3rd Meeting of the Joint Working Group of Ministry of Labour & Employment and US Department of Labour in Washington DC during 11-13 September 2013.

1.127 A high level delegation led by Smt. Gauri Kumar, Secretary (L&E) attended 318th Session of the Governing Body of ILO held at Geneva during 17-31 October, 2013.

V.V.GIRI NATIONAL LABOUR INSTITUTE (V.V.G.N.L.I)

1.128 V.V. Giri National Labour Institute (V.V.G.N.L.I), an autonomous body of the Ministry of Labour and Employment, Government of India, set up in July 1974, has grown into a premier institute of labour research and training. Since its inception, the Institute has endeavoured through its research, training, education and publications to reach out to diverse groups concerned with various aspects of labour in the organised and unorganised sectors. The focus of such endeavours is the concern to blend academic insights and understanding for application to policy formulation and action, so as to ensure a just place for labour in an egalitarian and democratic society.

Vision

1.129 A globally regarded institution and centre of excellence in labour research and training committed to enhancing the quality of work and work relations.

Mission

- Bring Labour and Labour Relations as the Central Feature in Development Agenda through:
- Addressing issues of transformations in the world of work.
- Disseminating knowledge, skills and attitudes to major social partners and stakeholders concerned with labour and employment.

- Undertaking research studies and training interventions of world class standards; and
- Building understanding and partnerships with globally respected institutions involved with labour.

Objectives and Mandate

1.128 The Memorandum of Association spells out clearly a wide range of activities that are essential to fulfill the objective of the Institute. It mandates the institute:

(i) to undertake, aid, promote and coordinate research or to own or in collaboration with other agencies, both national and international;

(ii) to undertake and assist in organising training and education programmes, seminars and workshops;

(iii) to establish wings for:-

(a) education, training and orientation;

(b) research, including action research;

(c) consultancy; and

(d) publication and other such activities as may be necessary for achieving the objectives of the society;

(iv) to analyse specific problems encountered in the planning and implementation of labour and allied programmes and to suggest remedial measures;

(v) to procure, print and publish papers, periodicals and books;

(vi) to establish and maintain library and information services;

(vii) To collaborate with other institutions and agencies in India and abroad which have similar objectives; and

(viii) to offer fellowships, prizes and stipends.

Structure

1.129 The General Council, the apex governing body of the Institute, with Union Labour and Employment Minister as its President, lays down the broad policy parameters for the functioning of the Institute. The Executive Council with Secretary (Labour & Employment) as Chairman, monitors and guides the activities of the Institute. Both the General Council and the Executive Council are tripartite in nature and consist of members representing the government, trade union federations, employers' associations and also eminent scholars and practitioners in the field of labour. Director General of the Institute is the Principal Executive Officer and is responsible for management and administration of the Institute. Director General is aided in the day-to-day functioning by a faculty consisting of professionals representing a wide range of disciplines and support by administrative staff.

NATIONAL ACADEMY FOR RESEARCH AND TRAINING IN SOCIAL SECURITY (NATRSS)

1.130 NATRSS is administered by the EPFO. The Institute primarily conducts research studies and training programmes on labour welfare, labour standards, social security, personnel management and industrial relations. The trainers and faculty members include professionals from private organizations, officers from EPFO and units of the Ministry of Labour & Employment as also representatives of labour institutions and Governments of various countries in Africa, Asia and the Far East.

ACTIVITIES OF DIRECTORATE GENERAL OF EMPLOYMENT & TRAINING (DGE&T)

1.131 'Vocational Training' and 'Employment' being included in concurrent list, both Central and State Governments share the responsibility. Laying down of policies, procedures, standards, norms, affiliation, guidelines, conducting of trade test and certification are the responsibility of the Central Government whereas the implementation of vocational training and administration of Employment Exchanges vests with the respective State Governments/Union Territories. DGE&T in the Ministry of Labour & Employment also runs training institutions to meet the training needs of specific target groups.

Skill Development Initiative

1.134 The Ministry of Labour & Employment launched SDI in for the early school leavers and existing workers especially in the unorganized sector in close consultation with industries, State Governments and experts. The scheme has been operationalised since May 2007. During XI Plan period (2007-12), against an approved outlay of Rs.680 crore, an amount of Rs.427 crore was spent and 10.67 lakh persons were trained or already tested under the scheme. Cabinet Committee on Skill Development has approved the continuation of Skill Development Initiative Scheme for XII Plan period with certain changes on 13-06-2013.

1.135 The MES is 'Minimum Skill Set' which is sufficient for gainful employment in the world of work. MES allows walk up (addition / formation, multi entry and exit, vertical and horizontal mobility and lifelong learning opportunities in a flexible manner and allows recognition of prior learning.

Objective

- To provide vocational training to school leavers, existing workers, ITI graduates, etc. to improve their employability by optimally utilizing the infrastructure available in Govt., private institutions and the industry. Existing skills of the persons can also be tested and certified under the scheme.
- To build capacity in the area of development of competency standards, course curricula, learning material and assessment standards in the country.

Implementation of the scheme

1.136 The scheme runs through vocational training providers registered by State Governments. The courses are demand driven based on modular pattern identified and revised in consultation with industry. The skill so learned by the trainee is tested by third party assessor. For persons having skill but no certification are also tested by assessing bodies directly. The NCVT certification for passed out persons are issued by DGE&T, Ministry of Labour & Employment. The target group includes workers seeking certification of their skill acquired informally, workers exit ITI graduates seeking skill upgradation, early school dropouts and unemployed. For considering and approving procedural changes, Apex Committee and National level monitoring committee under the chairpersonship of Secretary (L&E) has been constituted. The state monitoring committee has been constituted will monitor the scheme at state level.

Operational Mechanism at a Glance

- The operational guidelines for implementation of SDI, details for VTP registration, training cost / assessment fee, reimbursement of training cost / assessment fee, list of MES courses and funding are available on the website www.dget.nic.in and www.ncvtmis.gov.in.
- The payment towards all reimbursement claims is done by the respective State Govt.
- The scheme is widely publicized through leading newspapers organizing workshops etc across the country at regular intervals.
- The scheme has been well received by all Stakeholders and more than 77 lakh persons have been trained or tested so far. The employment opportunity of certified skill persons increases and industries have a pool of skilled workforce. It has been estimated that an amount of Rs.2000 crore would be required for the scheme to train 25 lakh persons in 12th Plan period. Accordingly, an outlay of Rs.2000 crore has been kept for the scheme for 12th plan period. Total, 25 lakh people would be skilled & certified during 12th Plan period. This would improve their employability & help industries get skilled workforce.

Physical & Financial achievements under the Scheme - (since inception upto 31.03.2014)

- 27.31 lakh persons have been trained / tested.

- Total 1680 course modules for employable skills covering 16 sectors have been developed and approved by NCVT.
- At present, 691 institutes covering 65 sectors are in operation.
- 68 organizations have been empanelled as assessing bodies for conducting assessment.
- 6622 Vocational Training Providers (VTPs) have been registered across the country on web portal.

1.137 For FY 2013-14 (upto 31.03.2014)

[illegible] persons [illegible]	[illegible] Rs. 440 crore	[illegible] Rs. 120 crore	[illegible] Rs. 100 crore

Scheme for up-gradation of 500 Government ITIs

1.138 Government has embarked on the strategic objective of modernizing and improving the quality of training in Government-run ITIs, with involvement of stakeholders. 100 ITIs have been upgraded from domestic resources to create "Centres of Excellence" for producing multi-skilled workforce of world standard. The Scheme was completed in 2013-14. Under the Scheme multi-skilling courses are offered during the first year, followed by advanced and specialized modular courses in the second year. Industry-wise cluster approach has been adopted through multi-entry and multi-exit provisions and the concept of Public Private Partnership (PPP) in the form of Institute Management Committees (IMCs) to ensure greater and more active involvement of industry in all aspects of training.

1.139 Another 400 ITIs are being upgraded through World Bank assisted – Vocational Training Improvement Project (VTIP) with a total cost of Rs.1991 Crore. Assistance is being provided to upgrade infrastructure, Purchase of new machinery and training of Principals and Instructors. For the project, Central Government is sharing 75% of the expenditure and States are putting the remaining 25%. However for North Eastern States, Central Government provides 90% and NE States put only 10% from their side. The project is schedule to close in November, 2014.

Scheme for up-gradation of 1396 Government ITIs through Public Private Partnership

1.140 Government has formulated a Scheme to upgrade 1396 ITIs under public-private partnership concept. This Scheme was launched during 2007-08 with an outlay of Rs.3400 crore. An amount of Rs.2667.50 crore has been released @ Rs.2.5 crore to each Industry Management Committee (IMC) Society of ITI, as interest free loan for upgradation of 1037 ITIs during XI Five year plan. Release of fund under the scheme has come to end by March 2012.

'Skill Development in 34 Districts Affected by Left Wing Extremism'

1.141 The scheme was formulated in 2013 to create Skill Development infrastructure in 34 districts chosen by the people of Left wing extremism (LWE) affected districts. The objective of the scheme is to establish one (1) ITI & two Skill Development Centers (SDCs) in each of 34 districts and to run demand driven vocational training courses both long term and short term to meet the requirement of skilled manpower of various sectors of economy in and around these areas, on the one hand and on the other, provide youth opportunities of decent livelihood. The cost of the scheme is Rs.261.63 crore.

1.142 The scheme facilitates Skill training programmes for 1500 youth in Long Term Training @ 30 per district, 4200 youth in Short Term Training @ 120 per district and train 340 youth in Instructor Training @ 10 per district.

1.143 In addition to that, infrastructure will be created for 34 Industrial Training Institutes (ITIs) @ one ITI per district and 68 Skill Development Centres (SDCs) @ two SDCs per district.

1.144 An amount of Rs.107.22 crore has been released to 09 states to establish 34 ITIs and 68 SDCs alongwith Skill Training to 4250 youth in 9 States.

'Enhancing Skill Development Infrastructure in North Eastern States and Sikkim'

1.142 The scheme was formulated in 2011 at a cost of Rs.31.39 crore to enhance the existing infrastructure of skill development in North Eastern States. The scheme is aimed for upgradation of 20 ITIs by introducing three new trades per ITI and supplementing infrastructure deficiencies in 28 ITIs by constructing new hostel, boundary wall and supplementing civil and electrical tools and equipment.

1.143 The scheme has been continued up to 31.03.2017 at a revised cost of Rs.149.89 crore with an additional component for establishment of 14 ITIs in 7 North-eastern States (excluding Sikkim).

1.144 A total of Rs.75.38 crore has been released to eight States of Assam, Arunachal Pradesh, Nagaland, Meghalaya, Mizoram, Tripura and Sikkim.

Kaushal Vikas Yojana – Setting up of ITIs in Unserviced Blocks

1.145 Government have taken up a project titled "setting up of Industrial Training Institutes (ITIs) in unserviced blocks". The scheme envisages active participation of private entities. State Governments are expected to provide land with basic infrastructure facilities free of cost, and the Central Government providing 'Viability Gap Funding (VGF)'. The total cost of the Project for setting up of 1000 ITIs in unserviced blocks will be approximately Rs.4000 crore. The Scheme is under process of Government approval.

THE RIGHT TO INFORMATION ACT, 2005

1.146 In order to achieve the objectives of Good Governance, it is necessary that the administration should be transparent, responsive, citizen-friendly and able to disseminate all the information to the public. Right to information is a powerful tool in ensure all these qualities in the administration and, therefore, the Government enacted the Right to Information (RTI) Act, 2005, which has come into effect from 12.10.2005.

1.147 In pursuance of the provisions contained in the Right to Information Act 2005, action has been taken for the implementation of the Act in various Public authorities under the aegis of Ministry of Labour & Employment. It includes dissemination of information in public domain relating to the particulars of organization, function and duties, the designation of CPIO and Appellate Authority etc. The Ministry has also initiated suo-motu disclosure of information about various Labour Acts / Regulations, which were required to be made public for the use of citizens of the country on the Ministry's website i.e. www.labour.gov.in. It is also to be mentioned that Attached & Subordinate offices and Autonomous organisations have their own websites which are linked to the Ministry's website.

1.148 The Ministry has also set up a Central RTI Cell, headed by CPIO where the RTI applications from the citizens are received. Based on available records, the total number of applications, under the Right to Information Act, 2005 received in Main Secretariat, Ministry of Labour & Employment is as follows:

Year	Applications Received
2006 -07	87
2007 -08	505
2008 -09	605
2009 -10	723
2010 -11	837
2011 -12	1164
2012 -13	1537
2013 -14	1110
2014 -15 (as on 31.12.2014)	588 (received electronically)

Box 1.1

LIST OF CENTRAL ACTS

Sl. No.	Name of the Act
01.	The Employees State Insurance Act, 1948
02.	The Employees Provident Fund and Miscellaneous Provisions Act, 1952
03.	The Dock Workers (Safety, Health and Welfare) Act, 1986
04.	The Mines Act, 1952
05.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
06.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976
07.	The Mica Mines Labour Welfare Fund Act, 1946
08.	The Beedi Workers Welfare Cess Act, 1976
09.	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10.	The Cine Workers Welfare (Cess) Act, 1981
11.	The Beedi Workers Welfare Fund Act, 1976
12.	The Cine Workers Welfare Fund Act, 1981
13.	The Child Labour (Prohibition and Regulation) Act, 1986
14.	The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996
15.	The Contract Labour (Regulation and Abolition) Act, 1970
16.	The Equal Remuneration Act, 1976
17.	The Industrial Disputes Act, 1947
18.	The Industrial Employment (Standing Orders) Act, 1946
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
20.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21.	The Maternity Benefit Act, 1961
22.	The Minimum Wages Act, 1948
23.	The Payment of Bonus Act, 1965
24.	The Payment of Gratuity Act, 1972
25.	The Payment of Wages Act, 1936
26.	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27.	The Building and Other Construction Workers Cess Act, 1996
28.	The Apprentices Act, 1961
29.	The Factories Act, 1948
30.	The Motor Transport Act, 1961
31.	The Personal Injuries (Compensation Insurance) Act, 1963
32.	The Personal Injuries (Emergency Provisions) Act, 1962
33.	The Plantations Labour Act, 1951
34.	The Sales Promotion Employees (Conditions of Service) Act, 1976
35.	The Trade Unions Act, 1926
36.	The Weekly Holidays Act, 1942
37.	The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
38.	The Children (Pledging of Labour) Act, 1938
39.	The Workmen's Compensation Act, 1923 (now renamed as the Employees Compensation Act, 1923)
40.	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
41.	The Sales of Labour System (Abolition) Act, 1976
42.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
43.	The Employers Liability Act, 1938
44.	The Unorganised Workers Social Security Act, 2008

2 ORGANISATIONAL STRUCTURE & FUNCTIONS

LABOUR JURISDICTION

2.1 Under the Constitution of India, Labour is a subject in the Concurrent List and, therefore, both the Central and the State Governments are competent to enact legislations subject to certain matters being reserved for the Centre. (See 2.1)

Box 2.1

LABOUR JURISDICTION: CONSTITUTIONAL STATUS	
Union List	Concurrent List
Entry No.55 – Regulation of labour and safety in mines and oil fields.	Entry No.22 – Trade Unions; industrial and labour disputes.
Entry No.61 – Industrial disputes concerning Union employees.	Entry No.23 Social security and social insurance; employment and unemployment.
Entry No.65 – Union agencies and institutions for "vocational training..."	Entry No.24 – Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefit.

VISION, MISSION, OBJECTIVES, PERSONNEL, ORGANIZATIONAL SET UP (BUREAU HEADS) OF THE MINISTRY OF LABOUR AND EMPLOYMENT

Vision

2.2 Decent working conditions and improved quality of life of workers, ensuring India without Child Labour in Hazardous Sectors and enhancing employability through Employment services and Skill Development on a sustainable basis.

Mission

2.3 Improving the working conditions and quality of life of workers through laying down and implementing policies / programmes / schemes / projects for providing social security and welfare measures, regulating conditions of work, occupational health and safety of workers, eliminating child labour from hazardous occupations and processes, strengthening enforcement of labour laws and promoting skill development and employment services.

Objectives

- Enhancing welfare and social security provisions for unorganised sector workers
- Providing social security to organised sectors workers
- Eliminating child labour from hazardous occupations and processes
- Promoting skill development
- Strengthening employment services
- Prevention and settlement of industrial disputes and strengthening Labour Laws enforcement machinery
- Improving Safety conditions and safety of workers

Personnel

- Shri Bandaru Dattatreya took over the charge of the Minister of Labour & Employment w.e.f. 18.08.2018. Due to his untimely demise on 15.12.2019, the charge of Ministry of Labour and Employment is now with Shri Gangwar w.e.f. 16.12.2019 to 29.05.2019

- Shri Narendra Singh Tomar has taken over the charge of the Ministry of Labour &

STRUCTURE AND FORMATION

2.4 The Ministry has the following attached and subordinate offices, autonomous organisations, adjudicating bodies and arbitration body:

ATTACHED OFFICES

Directorate General of Employment & Training (DGE&T)

2.5 This Office is responsible for laying down the policies, standards, norms and guidelines in the area of vocational training throughout the country and for coordinating employment services.

Office of Chief Labour Commissioner (Central) (CLC(C))

2.6 This Office is responsible for (a) prevention, investigation and settlement of industrial disputes in the central sphere; (b) enforcement of awards and settlements; (c) implementation of labour laws in industries and establishments in respect of which Central Government is the appropriate government; (d) verification of membership of unions affiliated to the Central Organisations of workers for giving them representation in national and international conferences and committees; and (e) fixation and revision of dearness allowance component of minimum wages under the Minimum Wages Act, 1948 in the scheduled employments.

Directorate General of Factory Advice Service and Labour Institutes (DGFASLI)

2.7 This Directorate is concerned with formulation of policy relating to the safety, health and welfare of workers in factories and docks. It is responsible for coordinating the implementation of the provisions of the Factories Act, 1948 by the State Governments and formulation of Model Rules thereunder. It is also concerned with the administration of the Dock Workers (Safety, Health and Welfare) Act, 1986. It undertakes research in industrial safety, occupational health, industrial hygiene, industrial psychology and industrial physiology. It also provides training mainly in the field of industrial psychology and industrial safety & health including in diploma

course of one year duration in industrial safety. Diploma is an essential qualification for appointment of Safety Officers in factories. Regular in-service training of Factory Inspectors is another important activity of the Organisation.

Labour Bureau

2.8 The Labour Bureau with its headquarters at Chandigarh and Shimla, is responsible for collection, compilation and publication of statistical and other information regarding employment, wages, earnings, industrial relations, working conditions etc. It also compiles and publishes the Consumer Price Index Numbers for industrial and agricultural / rural workers. The Bureau further renders necessary assistance to the States for conducting training programmes in labour statistics at State / District / Unit levels.

SUBORDINATE OFFICES

Directorate General of Mines Safety (DGMS)

2.9 This Office is entrusted with administration of provisions of the Mines Act, 1952 and the Rules and Regulations framed thereunder. The provisions of the Indian Electricity Act, 1910 as applicable to mines and oil fields are also enforced by it.

Welfare Commissioners

2.10 The nine Offices of Welfare Commissioners are responsible for providing welfare services to the workers employed in iron, limestone and dolomite, iron ore, manganese and chrome ore mines and in the lead and sinema industries. These offices are located at Allahabad, Bangalore, Ajmer, Bhubaneshwar, Kolkata, Hyderabad, Jabalpur, Nainital (Uttaranchal) and Nagpur.

AUTONOMOUS ORGANISATIONS

Employees' State Insurance Corporation (ESIC)

2.11 The ESI Corporation is responsible for implementation of the Employees State Insurance Act, 1948, which provides for medical care and treatment to insured persons and their families. Assistance is given in terms of benefits during sickness and maternity, compensation for employment related injury, pension for dependants on the death of workers due to employment related injury, etc.

Employees' Provident Fund Organisation (EPFO)

2.12 This Organisation is responsible for administration of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The Schemes for Provident Fund, Family Pension and Deposit Linked Insurance are implemented by the Organisation for the benefit of workers covered under the scheme. The Organisation is also responsible for administration of Employees' Pension Scheme, 1995 that came into existence on 16.11.1995.

V.V. Giri National Labour Institute (VVGNLI)

2.13 The V.V. Giri National Labour Institute, with its headquarters at Noida (Uttar Pradesh), is a registered society which conducts action oriented research and provides training to grass-root level workers in the trade union movement, both in urban and rural areas and also to Officers dealing with industrial relations, personnel management, labour welfare etc.

Central Board for Workers Education (CBWE)

2.14 The Board with its headquarters at Nagpur is a registered society dealing with schemes for training of workers on trade unionism and to bringing about consciousness among workers about their rights, duties and responsibilities. The Board also undertakes programme for rural workers education and functional adult education.

ADJUDICATING BODIES

Central Government Industrial Tribunals-cum-Labour Courts (CGITs)

2.15 At all 32 (twenty two) Industrial Tribunal-cum-Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of industrial disputes in organisations

for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh (two months each) and one Court each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneshwar, Ahmedabad, Ernakulam, Asansol and Guwahati.

ARBITRATION BODY

Board of Arbitration Joint Consultative Machinery (JCM)

3.16 The Government of India had introduced in 1958 a scheme for Joint Consultative Machinery (JCM) and Compulsory Arbitration for Central Government Employees for resolving differences between the Government, as an employer, and the general body of its employees.

3.17 The Scheme provides for compulsory arbitration on Pay & Allowances, weekly hours of work and leave of a class or grade of employees.

3.18 Under the Scheme, the Board of Arbitration Joint Consultative Machinery (JCM) was set up in July, 1968. The Board consists of a Chairman and two other Members. The Chairman is appointed on ad-hoc basis. The other two Members are appointed by the Ministry of Labour & Employment at the time of referring to the disputes to the Board out of a panel of Members both from the Staff Side as well as from the Official Side maintained by it.

3.19 239 cases had been referred to the Board and 207 cases have been disposed off by the Board.

Main Subjects dealt in the Ministry of Labour and Employment

3.20 In pursuance of the powers crafted from the respective entries in the Union List and the Concurrent List of Seventh Schedule of the Constitution, the Ministry of Labour and Employment has been allocated the following items of work :-

3.21 Labour policy (including wage policy) and legislation. Safety, health and welfare of labour. Social security of labour. Policy relating to special target group such as women labour, child labour. Industrial relations and enforcement of labour laws in the Central sphere. Adjudication of industrial disputes through Central Government Industrial Tribunals-cum-Labour Courts and National Industrial Tribunals. Workers Education. Labour and Employment Statistics. Employment Services and Vocational training. Administration of Central Labour & Employment Services. International Cooperation in Labour & Employment matters.

Central Labour Service (CLS)

3.22 The Central Labour Service (CLS) was constituted with effect from 3rd February 1987 to ensure better industrial relations, labour law enforcement and labour welfare. Consequent upon the Cadre Review, the Central Labour Service (CLS) was notified as an organized service in 2004.

3.23 The factories and mines employing 500 or more workers and plantations employing 300 or more workers are required to appoint a prescribed number of welfare officers under the relevant statutes. Assistant Labour Welfare Commissioners (Central) and Deputy Labour Welfare Commissioners (Central) discharge these statutory functions and they also advise and assist the managements of the concerned establishments in maintaining harmonious industrial relations in the areas of safety, health and welfare of workers etc. Moreover, by assisting in resolution of workers grievances, these officers prevent them from escalating into industrial disputes.

3.24 In addition, officers appointed as Assistant Labour Commissioners (Central), Regional Labour Commissioners (Central), Deputy Chief Labour Commissioner (Central) in the Central Industrial Relations Machinery (CIRM), headed by the Chief Labour Commissioner (Central) are

also entrusted with the task of maintaining good industrial relations in the Central sphere. The officers of CLS appointed as Assistant Welfare Commissioners and Welfare Commissioners in the Welfare Organisation of the Ministry of Labour and Employment under the Director General (Labour Welfare) administer the Welfare Funds for beedi, cine and certain categories of non-coal mine workers.

3.26 Consequent to the 2nd Cadre Review of Central Labour Service (CLS) approved by Cabinet in July 2013, the Cadre Strength of the Officers of Central Labour Service has been revised on 09.09.2013. The post of Chief Labour Commissioner (Central) has been upgraded from SAG to HAG Level. Two new posts in SAG have been created. The strength of SAG (MFSG) and STS of CLS have been increased from 35 to 38 and 110 to 112 respectively. The strength of Officers in JTS Grade of CLS has been reduced from 184 to 182.

3.27 The Central Labour Service Cadre has been restructured and strength of CLS Officers in the participating Establishments / Organizations under various Ministries / Departments revised on 09.01.2014.

Parliament Unit

3.27 Parliament Unit is the Nodal Unit for Parliament related matters. The main functions of this unit are as under:-

- Receive all notices of Starred / Unstarred Questions as well as Special Mentions / resolution / Short Duration Discussion, etc from Rajya Sabha / Lok Sabha Question Branches and forwards these to all concerned Section in the Ministry for necessary action.
- Instruct all concerned Sections / Divisions of the Ministry to provide information related to Legislative Business before every Session of Parliament.
- Matter of Urgent Public importance raised in the House under Rule 377 in Lok Sabha and by Way of Special Mention in Rajya Sabha during Zero Hour is within the administrative domain of the Section and the unit forwards information related to these to respective Houses of Parliament.
- Provide necessary material to Hon'ble Labour and Employment Minister for Parliamentary matters in House when is need against his name and the Ministry.

3.28 Apart from the above meeting of the Consultative Committee attached to this Ministry were organized by Parliament Unit throughout the year as per convenience of the Hon'ble Minister for Labour & Employment.

3.29 During this year two meetings of the Consultative Committee were held on 18.03.2013 and 30.08.2013 under the Chairmanship of Hon'ble Minister for Labour & Employment.

3.30 The issues discussed in these meetings were as under:-

- Impact on Employment of workers due to economic slowdown.
- Social Security Scheme for Unorganised workers.

Career Management and Training (CMT)

3.31 Career Management & training (CMT) Unit is nodal Section for forwarding the NOMINATION FORM for the training of Officers / Staff of the Ministry to Institute of Secretarial Training and Management (ISTM) and other training programmes conducted by Department of Personnel and Training. For this purpose, Training Circulars are circulated from time to time by CMT Unit and interested Officers / Staff send their Nomination Form to CMT Unit. CMT Unit processes these NOMINATION FORMS and forwards these to ISTM and other Training Institute for further action on their part.

3.32 Apart from this CMT Unit also makes

arrangements for need based training programmes for officers and staff members of the Ministry viz. computer applications for officers / officials through corporate bankers and behavioral skills and service matters for Group 'D' staff through consultants and in house trainers.

2.33 The Number of staff/officials who have undergone training in the year 2013-14 till date is as under:-

FINANCE Wing

2.34 Integrated Finance Division (IFD) is headed by Financial Adviser (FA) in the Ministry. He is assisted by Deputy Secretary (Finance). The Controller of Accounts assists the Financial Adviser in carrying out functions related to budget & accounts and internal audit.

2.35 IFD headed by JS & FA (L&E) carries out the following functions:-

- Advise the Administrative Ministry on all matters falling within the powers delegated to the Ministry by the Ministry of Finance;
- Scrutinize all expenditure proposals (except those coming within the delegated powers) that are required to be referred to the Finance Ministry for concurrence or comments;
- Ensure that the schedule for preparation of budget is adhered to by the Ministry and that the budget is drawn up according to the instructions issued by the Ministry of Finance from time to time;
- Scrutinize budget proposals thoroughly before sending them to the Ministry of Finance;
- Be closely associated with the formulation of Schemes and important expenditure proposals from their initial stages;
- Closely associate with the evaluation of progress / performance in the case of projects and other continuing schemes and to see that the results of such evaluation studies are taken into consideration while formulating budget;
- Examine and scrutinize SFC / EFC proposals received from various Wings of the Ministry of Labour & Employment;
- During the year 2013-14, an output and

Sl. No.	Officer / Staff	Name of the training programme
1	DIRECTOR	Certificate Programme in Public Policy by Goldman School of Public Policy at University of California, Berkeley from August to December 2013 under the Domestic Funding of Foreign Training. (DFFT) Scheme.
2	LDC	CMT Unit conducted a Training programme in Computer Application for the 19 LDCs promoted from the post of MTS of the Ministry through SSC in the Month of October, 2013.

accounts matters were attended to within the time schedule prescribed. By careful scrutiny of proposals, it was ensured that the expenditure conformed to budgetary appropriations, the rules and regulations prescribed by the Ministry of Finance and that it was consistent with economy, efficiency and the objectives of the relevant scheme/ programmes. The guidelines with regard to fiscal prudence and austerity in Expenditure Management as prescribed by the Department of Expenditure, Ministry of Finance were also ensured;

- Eleven Memoranda for SFC / EFC and two Cabinet Notes were examined in IFD upto December, 2013 and views / comments / concurrence as required in each case were offered.

PROGRESSIVE USE OF HINDI

3.36 The Ministry of Labour & Employment has made efforts to promote the use of Hindi in official work and create interest among officers / employees to work in Hindi during the year 2013-14. Steps were taken to ensure compliance of the provisions of the Official Language Act / Rules and orders / instructions/ guidelines issued by the Department:

a) Official Language from time to time. Hindi Division of the Ministry is entrusted with the task of implementation of the Official Language Policy of the Government of India and translation of important documents such as papers to be placed before the Parliament, Labour Laws, Hon'ble Labour & Employment Minister's Speech, Press release etc. and the routine work of the Ministry.

3.37 Hindi Fortnight was observed during 1-15 September, 2013 to promote the use of Hindi in the Ministry. On the occasion, able Hindi related competitions were conducted to promote use of Hindi among the officials. A large number of Officers of the Ministry participated in these competitions.

3.38 The Hindi work is done on computer by the Hindi Division. Efforts are being made to update bilingual Website of the Ministry. Officers attached with the Rajbhasha Wing also conduct inspections regarding the Hindi work from time to time.

3.39 The documents under Section 3(3) of the Official Language Act, 1963 were issued both in Hindi and English. The Meeting of Hindi Salahkar Samiti was held on 30.08.2013 at Goa in which Hon'ble Members expressed their satisfaction regarding implementation of Official Language in the Ministry.

ACTION TAKEN ON CITIZEN'S / CLIENT'S CHARTER

3.40 The Citizen's / Client's Charter of the Ministry of Labour & Employment has been reviewed. Based on the guidelines of the Department of Administrative Reforms & Public Grievances (DARPG) and the Performance Management Division (PMD) of the Cabinet

3

INDUSTRIAL RELATIONS
CENTRAL INDUSTRIAL RELATIONS MACHINERY (CIRM)

Brief Report on Activities of CLC(c)'s Organisation

3.1 Chief Labour Commissioner (Central)'s Organisation(CLC(C)), also known as Central Industrial relations Machinery (CIRM) is an attached office of the Ministry of Labour & Employment. The CIRM is headed by the Chief Labour Commissioner (Central). It has been entrusted with the task of maintaining harmonious Industrial Relations, enforcement of Labour Laws and verification of Trade Union membership in Central sphere. CIRM has a complement of 94 officers at the Head Quarters and 231 officers in the field. The offices of CIRM are spread over different parts of the country with zonal, regional and area level formations.

Functions of the Organisation

3.2 The functions of CIRM are given as under:

FUNCTIONS OF CIRM
• Prevention and settlement of Industrial Disputes, in the Central Sphere;
• Enforcement of Labour Laws and Rules made thereunder in the Central Sphere;
• Implementation of awards;
• Quasi-Judicial functions;
• Verification of the membership of the Trade Unions;
• Welfare;
• Other Miscellaneous functions.

Prevention and Settlement of Industrial Disputes

3.3 The CIRM ensures harmonious industrial relations in the Central Sphere establishments through:

- Monitoring of industrial relations in the Central Sphere.
- Intervention, mediation and conciliation in industrial disputes in order to bring about settlement of disputes.
- Intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts.
- Implementation of settlements and awards.
- Enforcement of other provisions in the Industrial Disputes Act, 1947 relating to: (1) Works Committee, (2) Recovery of Dues, (3) Lay off, (4) Retrenchment, (5) Unfair Labour Practices etc.

3.4 During the year 2013-2018 the CIRM intervened in 602 threatened strikes and its conciliatory efforts succeeded in averting 194 strikes, which represent a success rate of 89.0% and during the year 2013-2014 for the period of April-September, CIRM intervened in 218 threatened strikes and its conciliatory efforts succeeded in averting 200 strikes which represent a success rate of 91.4%. The details of the Industrial Disputes handled during the year 2012-13 and 2013-14 (April-December) are as under :

Details of the Industrial Disputes handled by CIRM								
Year	Number of Disputes handled by CIRM including brought forward from previous year	Number of Disputes which were considered unfit for intervention by CIRM	Number of Disputes which were settled during Conciliation Proceedings	Number of Disputes in which Conciliation Proceedings were held	Number of Disputes in which conciliation Proceeding failed to the settlement of Disputes	Number of Disputes in which conciliation Proceedings worked to failure	Number of Disputes Pending with the CIRM at the close of the year (2+3+4+5+6+7)
2013-14	1466	1	914	454	1001	914	1001
2014-15 (April-December) (Provisional)	1001	01	000	000	1001	177	1111

Enforcement of Labour Laws

3.5 An important function of CIRM is the enforcement of Labour Laws in the establishments for which the Central Government is the Appropriate Government. The machinery enforces following Labour Laws and Rules framed there under :-

(i) The Payment of Wages Act, 1936 & Rules made thereunder for Mines, Railways, Air Transport Services & Docks, Wharves and Jetties.

(ii) The Minimum Wages Act, 1948 and Rules.

(iii) The Contract Labour (Regulation & Abolition) Act, 1970 and Rules.

(iv) The Equal Remuneration Act, 1976 & Rules.

(v) The Inter-State Migrant Workmen (RTSC&S) Act, 1979 and Rules.

(vi) The Child Labour (Prohibition & Regulation) Act, 1986 and Rules.

(vii) The Payment of Gratuity Act, 1972 and Rules.

(viii) The Labour Laws (Exemption from Furnishing returns and Maintaining Registers by certain Establishments) Act, 1988.

(ix) The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and Rules.

(x) Chapter XIV of Indian Railway Act: Hours of Employment Regulations for Railways Employees.

(xi) The Industrial Employment (Standing Orders) Act, 1946 & Rules.

(xii) The Maternity Benefit Act, 1961 (Mines and Circus Rules, 1963) & Rules.

(xiii) The Payment of Bonus Act, 1965.

3.6 There are approximately 1.8 lakh establishments in the Central Sphere. The Inspecting Officers of CIRM inspect these establishments under different Labour enactments through routine inspections and Special Drives for inspections under the crash inspection programmes and before/after inspections to ensure benefits of the beneficial legislations to workers. Special emphasis is given to enforcement of beneficial enactments such as Contract Labour (Regulation & Abolition) Act, 1970, Minimum Wages Act, 1948 and Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 in

the unorganised Sector. Prosecutions are launched against persistent defaulters and in respect of major violations. Details for the year 2012-13 and for the period from April-December, 2013 are given as under :-

STATEMENT SHOWING NUMBER OF INSPECTIONS ETC. UNDER VARIOUS LABOUR LAWS FOR THE YEAR 2012-13 and 2013-14 (April-December, 2013)

Year / Period	Number of Inspections	Number of Irregularities		Number of Prosecutions launched	Number of Convictions (obtained plus compound)
		Detected*	Rectified		
2012-13	42709	7,13,536	3,44,705	1089	897
2013-14 April-December, 2013 (Provisional)	29141	6,87,382	3,46,401	6891	6385

* including brought forward from the previous year

Implementation of Awards

3.7 The officers of CIWM implement Awards issued by the Central Government Industrial Tribunal-cum-Labour Courts (CGITs). During the year 2012-13, 2416 awards were received (including brought forward from the previous year). Out of these 466 were implemented, implementation of 815 Awards was stayed by High Courts & implementation of remaining Awards was pending due to other reasons.

3.8 Difficulties in implementing the awards are experienced as employers obtain stay orders from High Courts on implementation. Besides, sanction for prosecution of employers by the employing Ministries as required under Section 197 of Cr. P.C is seldom granted.

Quasi-judicial Work

3.9 CIWM officers from the level of Assistant Labour Commissioner (Central) (ALC(C)) upto the level of Chief Labour Commissioner (Central) (CLC(C))also perform certain Quasi-Judicial Functions as mentioned below:

CLC(C) - Appellate Authority under Industrial Employment (Standing Orders) Act, 1946, Director General Inspections.

Dy. CLC(C) - Appellate Authority under the Industrial Employment (Standing Orders) Act, 1946, Authority under Rule 25(2)(v)(c) and (c) of the Contract Labour (Regulation and Abolition), Rules 1971.

ALC(C) - Authority under the Minimum Wages Act, 1948, Appellate Authority under the Contract Labour (Regulation and Abolition), Rules 1971, The Payment of Gratuity Act, 1972 and the Equal Remuneration Act, 1976, Certifying officer under the Industrial Employment (Standing Orders) Act, 1946, Supervisor of the Railway Labour under Hours of Employment & Regulation Act, 1946.

ALC(C) - Controlling Authority under Payment of Gratuity Act, 1972; Authority under Equal Remuneration Act, 1976; Registering and Licensing Officer under Contract Labour (Regulation and Abolition) Act, 1970 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

3.10 The cases decided by these officers under some of the above enactments / rules are given in the table below :-

QUASI JUDICIAL WORK – 2013-14 and 2015-16 (01.04.2013 to 30.09.2015)

Nature of Quasi Judicial Work	Cases / Applications / Claims BF from previous year	Cases / Applications / Claims received during the year	Total	Cases / Applications / Claims disposed off	Amount Awarded (in Rupees)
Gratuity Applications under the Payment of Gratuity Act, 1972 (2013-14)	5324	3080	8004	4180	2408.14
Payment of Gratuity Act, 1972 2015-16 (01.04.2015 to 31.12.2015)	3116	828	3944	900	765.37
Claim applications to RLC(C) under the Minimum Wages Act, 1948 (2013-16)	4738	3536	8274	4219	1764.86
2013-14 (01.04.2013 to 31.12.2015)	3468	2236	5703	2106	862.16
Cases under PGCW Act, (2013-16)	5217	1191	6408	785	16.08
2015-16 (upto 31.12.2015)	3343	834	4277	376	7.85

2015-16 figures are provisional

General Verification of membership of Trade Unions affiliated to Central Trade Union Organisations (CTUO).

3.11 General verification of membership of Trade Unions affiliated to Central Trade Union Organisations (CTUO) is an important exercise which is undertaken by the CLC(C) Organisation on the directions of Ministry of Labour & Employment. The purpose of general verification is to ascertain the representation of CTUO's in the various National and International Councils, Committees, Conferences, etc.

3.12 The last three General Verifications were conducted with the date of reckoning 31.12.1980, 31.12.1990 and 31.12.2002 and the results of the verifications were published by the Ministry of Labour & Employment in January, 1982, December, 1990 and January, 2004 respectively.

3.13 The process of fresh general verification of Trade Unions affiliated to Central Trade Unions has been initiated as per the directives of the Ministry of Labour & Employment. So far six meetings of the Standing Committee on General Verification have been held under the Chairmanship of Chief Labour Commissioner (C) and the following issues have been decided for the fresh Verification :-

- Date of reckoning as 31.12.2011.
- Procedure for General Verification.
- Criteria for granting status of Central Trade Union Organisation:- As per the revised procedure approved by the Standing Committee on General Verification, only those

Trade Union Organizations whose affiliates have at least a combined verified membership of 5 Lakh and Unions registered in 5 States and Membership present in at least 5 Industries, would be recognized by the Government of India as Central Trade Union Organizations.

- A Notification was issued on 01.11.2013 through an advertisement in all important National Daily Newspaper inviting interested Central Trade Unions to file their Membership claims for verification latest by 31.01.201. The date of filing claims was extended upto 07.03.2013 as per the decision taken by the Standing Committee in its 6th meeting held on 21.12.2012. The notice of time extension was also published in National Dailies on 16.01.2013.

- Total 16 claims were filed by CTUOs out of which four claims were dropped by Standing Committee in its 7th meeting held on 01.06.2013 after due consideration. Claims received from the 11 CTUOs were sent to the field offices for conducting first phase of general verification which is underway.

- As per decision taken by the Steering Committee in its 7th meeting the date for raising objections by the CTUOs has been fixed as 15.11.2013.In the meantime, training to the field officers has been imparted on the procedure of General Verification at the Headquarters in two phases.

Verification of membership of Trade Unions operating in an establishment to identify majority union under Code of Discipline

3.14 The Verification of membership of unions operating in establishments in central sphere is monitored by Chief Labour Commissioner (Central)'s office under Code of Discipline for the purpose of granting recognition as and when directed by the Ministry of Labour and Employment.

3.15 In the year 2013-14 (upto December, 2013) the Verification of membership of Unions operating in 20 establishments was conducted through Secret Ballot. The establishments are:

(1) M/s Sharma Shoe Manufacturers Board, M/s. Pariyaram Sundar Nagar.

(2) M/s Khadra Seas Management Board, (W), Nangal Township (Punjab).

(3) M/s Neyveli Lignite Corporation Ltd.

(4) M/s NALCO Ltd. Mines & Refinery Complex, Damanjodi Koraput, Odisha.

(5) M/s Hindustan Aeronautics Ltd. Koraput, Odisha.

(6) M/s MTPC Virudhachal Sangvati (MP).

(7) M/s Marine Products Export Development Authority Cochin.

(8) M/s Singareni Collieries Company Ltd. Hyderabad.

(9) M/s Bank Note Press, Dewas.

(10) M/s Kudremukh Iron Ore Project Ltd. Bangalore.

(11) M/s HMT- Praga Division, Bolaram, Hyderabad.

(12) M/s Fairs Barag Nigam Ltd. Vishakhapatnam.

(13) M/s Konkan Railway Corporation Ltd. Mumbai.

(14) M/s MTNL Delhi.

(15) M/s NALCO Corporate office, Bhubaneswar Odisha.

(16) M/s MTPC, Bishakli, Vishkhapatnam.

(17) M/s Uranium Corporation of India Ltd. Thummalapalle project, Kadapal Distt.

(18) M/s Mishra Dhatu Nigam Ltd. Hyderabad.

(19) M/s Chidambaranar Port Trust, Tuticorin.

(20) M/s Bharat Electronics Ltd. Machilipatnam.

3.16 In the year 2013-14 (Upto 31.12.2013) the verification of Membership of Unions operating in 10 establishments was conducted through Secret Ballot. The establishments are:

(1) M/s Rare Earth Ltd, Chavara.
(2) M/s Cement Corporation of India, Tandur,
(3) M/s Bhilai Steel Plant, Distt. Durg (CG).
(4) M/s Indian Government Mint, Hyderabad,
(5) Ferro Scrap Nigam Ltd, Shiva (Distt.) Durg.
(6) M/s Kaiga Atomic Power Station, Kerala,
(7) M/s Electronic Corporation of India Ltd, Hyderabad,
(8) M/s Hindustan Machine Tools Ltd., Hyderabad,
(9) M/s Damodar Valley Corporation, Kolkata
(10) M/s NTPC Kahalgaon, Bhagalpur, Bihar,
(11) M/s NTPC, Ramagundam, Karimnagar Distt,
(12) M/s NTCL, Rewa(Distt), Rajasthan,
(13) M/s Dhakra Bias Management Board, Talwara, Punjab,
(14) M/s NTPC Korba Super Thermal Power Project,
(15) M/s NTPC Ltd, Sipat- Bilaspur (CG).

Statutory verification of Membership of Unions operating in Nationalised Banks

3.17 The Ministry of Finance, Department of Financial Services has revised the procedure for conducting verification of membership strength of various unions of workmen operating in Nationalised Banks for determining the majority status to identify Representative union and for the purpose of nominating a Workmen / Employee Director on the Board of Director of Banks vide its vyl Roster dated 19.11.2008. As per this notification the verification of membership of trade unions is to be conducted through check off system by the Designated Officers at the level of General Manager nominated by Chairman or Managing Director of Bank. An appeal lies against the report of the Designated Officer before the Appellate Authority.

3.18 Appellate Authority for the above purpose is the Central Government or the Deputy Chief Labour Commissioner (C), Ministry of Labour & Employment, Government of India.

Right to Information Act ,2005

3.19 918 RTI applications relating these transacted by Ministry of Labour & Employment to CLO(C) organisation were disposed off during 2013-14 and 414 RTI applications were disposed off during April-December,2013 as per the provisions of Right to Information Act, 2005.

Miscellaneous functions

3.20 The CHM performs the following miscellaneous functions also:-

1. Conducting periodic meetings of Minimum Wages Advisory Board and notifying Variable Dearness Allowances every six months as per A.L.C.(P) number.
2. Defending Ministry of Labour & Employment in various Writ Petitions filed against Ministry in different High Courts.
3. Investigation of Complaints as per direction of the Ministry of Labour & Employment.
4. Assisting Central Advisory Contract Labour Board as convenors of different sub-committees to examine prohibition of contract Labour in different employments.
5. Assisting Ministry in preparation of different reports required to be submitted to International Labour Organisation.
6. Supplying information to Ministry in replying Parliament Questions on matters enforced by CLO(C) organisation.
7. Advising Ministry of Labour & Employment in Conflict situations like strikes of All India Nature and other Labour matters.
8. Attending to Parliamentary Committees and other important delegations as per advice of the Ministry.
9. Keeping Liaison with State Government Labour Departments for collection of information as per direction of Ministry.

(ii) Imparting training to the Officers of Central Labour Service.

Welfare

3.21 The Assistant Labour Welfare Commissioners and Deputy Labour Welfare Commissioners(LWC) are posted in Defence and other establishments such as CPWD, Security Presses, Mints, Ordnance Factories, Tobacco Factories, Docklabs, etc., which are under the control of Central Government. The LWCs are posted at the Head Quarters of these establishments. These officers ensure harmonious Industrial Relations in their respective establishments. They also look after the welfare and redressal of grievances of the workers, administration of Welfare fund and advise the managements on various Labour Welfare including constitution of bilateral committees such as Mess Councils, Works Committees etc.

Training

3.22 In house training is provided on regular basis to the officials of Central Labour Service (CLS) posted in three streams i.e. (1)Central Industrial Relations Machinery (CIRM)/ Chief Labour Commissioner Organization; (2) Director General Labour Welfare Organization and (3) As Welfare Officers under Factories Act in the industrial Establishments under the control of Central Government. Under a plan scheme titled "Improvement and Strengthening of Training Wing of Labour Officers". The objective of the scheme is to provide trainings to the CLS officers & LEO (C) with a view to enhance their skills & Knowledge in various areas of their functioning for effective discharge of their duties. A Committee was constituted with the approval of Secretary, Ministry of Labour & Employment as "Training Need Analysis" and on basis of its recommendations, trainings are provided to the officers at the selected operational institutes. The particulars of Institutes, Area of Trainings & Number of Officers trained during 2012-13 which shows that out of 248 Officers nominated, 232 have attended the trainings against the targets of 170 trainees. The training programmes have been held at Jamshedpur, Mumbai, Vadodara, Chandigarh, Noida and Ahmedabad.

RESULT FRAMEWORK DOCUMENTS (RFD)

3.23 Achievements of RFD (RD) 01.04.2013 to 31.12.2013 is under:

S.No.	Success Indicators	Target	Achievements
1	Unpublished Industrial being inspections	3.15 Lakh	2.04 Lakh
2	Percentage of compliance after inspection.	80%	42%
3	Claim cases filed under the Payment Wages Act against the defaulting employers.	1100	1104
4	Industrial Disputes Disposed off.	5000	4000
5	Officers trained	150	90

Major Industrial Relation events from September, 2011 to September, 2013 in which CIRM played important role:

Air Transport

Airports Authority of India (AAI)

3.24 General Secretary, Airports Authority Employees Union and Indian Airports Kamgar Union in their strike notice dated 27.05.2013 and 08.06.2013 respectively to the Chairman, Airports Authority of India had proposed for Mass Casual Leave on 21.06.2013 over the issue of privatization of Calcutta and Chennai Airports. Deputy Chief Labour Commissioner (Central) (Dy.CLC(C)), Chennai and Regional Labour Commissioner (Central)(RLC(C)), New Delhi intervened in the matter and the unions postponed their programme of taking Mass Casual Leave on the request of Chairman AAI.

Banks

Indian Overseas Bank, Chennai

3.25 General Secretary, All India Overseas Bank Employees' Union served a Strike Notice dated 23.04.2013 on the Management of India

Overseas Bank, Chennai proposing to go on one day country wide strike on 22.05.2013. Dy. CLC (C), Chennai intervened and on his persuasion the proposed strike was deferred.

The Federal Bank Limited, Aluva

3.26) General Secretary, Federal Bank Officers' Association (FBOA) served strike notice on the management of the Federal Bank Ltd. Aluva proposing to go on strike on 15.07.2013 to press their 9 point Charter of Demands. RLC(C), Cochin intervened and proposed strike was called off by the union in view of the bilateral discussions held with the Management.

Indian Banks' Association

3.27 General Secretary, All India Bank Employees' Association (AIBEA), Chennai and Bank Employees Federation of India, Kolkata jointly served strike notice dated 23.0 5.2013 on the Chairman, Indian Banks' Association , Mumbai proposing to go on All India strike on 21.06.2013. Chief Labour Commissioner (Central) (CLC(C)) intervened in the matter and on his persuasion, the unions considered the appeal of CLC (C) and agreed to defer the proposed strike notice and agreed not to resort to strike on 23.06.2013.

Coal Mines

Singareni Collieries Company Ltd., Ramagundam

3.28 General Secretary, Singareni Collieries Company Contract Drivers & Workers Union, Ramagundam served a Strike Notice dated 11.03.2013 on the Management of Singareni Collieries Company Ltd., Ramagundam proposing to go on Strike from 01.04.2013. RLC (C), Hyderabad intervened in the matter and on his persuasion Union agreed to defer the proposed strike.

South Eastern Coalfields Ltd.

3.29 Deputy General Secretary, Indian National Mine Official and Supervisory Staff Association (INMOSSA) served a Strike Notice dated 12.03.2013 on the Management of South Eastern Coalfields Ltd. proposing to go on Hunger Strike from 02.04.2013 and Indefinite Hunger Strike from 10.06.2013 to press their 20 points charter of demands. Assistant Labour Commissioner (Central) (ALC(C)) Shahdol, intervened in the matter and on his persuasion, the Association agreed to defer the proposed hunger strike.

South Eastern Coalfields Limited Bhatgaon

3.30 Secretary, Indian National Mine Official & Supervisory Staff Association (INMOSSA) served strike dated 17.06.2013 to the Deputy General Manager, Anand Bungalow, Dhanbad, South Eastern Coalfields Limited Bhatgaon, Distt. Shadol (Madhya Pradesh) threatening for existing strike notice dating 4-6 July 2013 and proceeds on hunger strike from 08.07.2013 and thereafter fast upto death from 13.07.2013 to press their 19 points Charter of Demands. The ALC(C), Shadol intervened on his persuasion, the strike was deferred.

Cement

Cement Corporation of India Ltd.

3.31 The Management of Cement Corporation of India Ltd. informed the Office of the Chief Labour Commissioner (Central) that the Contract Labour Union at Rajban Cement Factory was on strike w.e.f. 13.05.2013 over the issue of demanding categorization of contract workers as per notification issued by Government of Himachal Pradesh. ALC(C), Chandigarh intervened and held Conciliation Proceedings on 20.05.2013 & 23.05.2013. Despite of his best efforts, due to adamant attitude of the parties the matter ended in failure and Failure of Conciliation Report (FTC) has been submitted to the Ministry on 07.06.2013. RLC(C), Chandigarh further submitted that the Management informed over phone that approximately 250 Contract Labour are on strike but the working of Cement Plant is normal.

3.32 Subsequently, the Management of Cement Corporation of India and the Union bilaterally settled the matter amicably on 12.07.2013.

Consequently, the strike was called off and the workers reported back for duty from forenoon of 10.07.2013.

ULTRA-TECH Cement, Gulbarga (Karnataka)

3.33 President, Sharanjeevigala Vedike, Gulbarga informed the office of Chief Labour Commissioner (Central) that the Contract workers working in the cement factories in Gulbarga District viz. Ultra-Tech Cements (Rajashree Cement), Malkhed, Vasavadatta Cements, Sedam, Chettinad Cements, Chitapur and Ultra-Tech Cements Gangapur, Distt. Koppal had decided to go on Hillside Sathyagraha and "Fast unto Death" and Hunger Strike from 15th July, 2013 in front of Regional Commissioner Office, Gulbarga.

3.34 Dy. CLC(C), Bangalore intervened in the matter and on his persuasion, the union agreed to defer the proposed agitation for two months and withdraw the notice of agitation.

Port & Dock

Chennai Container Terminal Private Ltd., Chennai

3.35 General Secretary, Madras Port Trust Employees' Union, Chennai served a Strike Notice dated 11.06.2013 on the Management of Chennai Container Terminal Private Ltd., Chennai promising Strike on or after 29.06.2013. ALC (C), Chennai intervened and on his persuasion the proposed strike was deferred.

Non Coal Mines

Neyveli Lignite Corporation

3.36 General Secretary, Jeeva Oppantha Thozhilalar Sangam (AITUC), Neyveli served a Strike Notice on the Management of Neyveli Lignite Corporation, Neyveli proposing to go on strike on or after 18.06.2013. Dy. CLC (C), Chennai intervened and on his persuasion, strike agitation had to resort to strike.

Neyveli Lignite Corporation Limited

3.37 The Joint Action Committee comprising the Trade Unions & Federations operating in Neyveli Lignite Corporation Limited (NLC) resorted to strike w.e.f. 03.07.2013. Initially the management of NLC held meetings with the two recognized unions on 01.07.2013 and appealed to the Unions to reconsider their stand and desist from strike/ agitation. Thereafter, on the writ Petition filed by the management the Hon'ble High Court of Madras passed an interim stay restraining the unions from going on strike from 03.07.2013. In spite of the stay order the Unions and Associations barring Officers' Associations resorted to strike from 10.00 PM of 03.07.2013.

3.38 The ALC(C), Puducherry, intervened and held conciliation proceedings. Subsequently, Deputy CLC(C) Chennai also held conciliation proceedings on 10.07.2013 and persuaded the unions to call off the strike. He also shared the outcome of the Conciliation Proceeding with the Secretary (Energy) and Secretary (Labour), Government of Tamil Nadu. Dy. CLC(C) Chennai also requested them to make a formal appeal to the strikers to call off the strike.

3.39 After the appeal made by the Hon'ble Chief Minister the unions called off the strike on 15.07.2013. But all the Trade Unions including the recognized unions after calling off the strike, again resorted to 'work to rule' agitation from 19.00 P M on 16.07.2013. After bilateral discussions with the management , the trade unions called off Work to Rule agitation on 22.07.2013. Dy. CLC(C), Chennai also informed that normalcy has been restored and industrial relation situation is peaceful hereafter.

Railways

3.40 Deputy Director, Intelligence Bureau, Ministry of Home Affairs informed the Secretary (LME) that the Station Masters (SMs) and Assistant Station Masters (ASMs) of the Indian Railways , under the aegis of All India Station Master Association (AISMA/And) have decided to organize a march to the office of the Hon'ble Finance Minister at Delhi on 16.07.2013 demanding Grade Pay of Rs.4600/- grant of 30% Safety Allowance, filling up vacant posts and scrapping of New Pension Scheme etc.

3.41 It was ascertained from the AISMA & Director (PC), Railway Board that approximately 500-1000 Station Masters (SMs) and Assistant Station Masters (ASMs) posted throughout the country have congregated near Ajmeri Gate, New Delhi Railway Station on 30.07.2013 at about 10.30 A.M. and they marched peacefully Janter Mantar. Five representatives of the AISMA under police escort met a senior officer of the Ministry of Finance, North Block, New Delhi who received a Memorandum addressed to Shri P. Chidambaram, Hon'ble Finance Minister. The main Grievances of the AISMA is about enhancement of Grade pay.

3.42 It was also learnt from the Director (IR), Railway Board that no official communication was received from AISMA regarding the Rally. But after receiving information from Intelligence Bureau, instructions were issued to all the Officers in-charge of Railways Zones directing not to issue duty leave to the Station Masters (SMs) and Assistant Station Masters (ASMs) to join rally on 30.07.2013. The Rally on 30.07.2013 had no impact on the normal functioning of Railway. The industrial relations situation is peaceful.

Power

National Thermal Power Corporation (NTPC)

3.43 NTPC/ TSPS Contract Mazdoor Sangh, Talcher served a strike notice dated 30.05.2013 on the General Manager, NTPC/ TSPS, Talcher Thermal, Angul, Odisha, proposing strike from 30.05.2013 on the issue of payment of wages to contract workers at Par with NTPC Workers, annual increment to contract workers and medical benefits to contract workers etc. RLC (C), Bhubaneshwar intervened and on his persuasion, Union deferred the proposed strike.

Telecom

Bharat Sanchar Nigam Ltd.(BSNL), Balasore

3.44 BSNL Casual Karmachari Sangha, Balasore, Odisha served a Strike Notice dated 20.03.2013 on the Management of Bharat Sanchar Nigam Ltd., Balasore, proposing to go on indefinite halt by the Contract Labourers of BSNL Telecom District, Balasore from 04.04.2013. RLC(C), Bhubaneshwar intervened in the matter and on his persuasion a memorandum settlement was signed on 03.04.2013 and the field circuit was averted.

Bharat Sanchar Nigam Limited

3.45 General Secretary, Bharat Sanchar Telecom Employee Union (BSNL), Hyderabad served a Strike Notice dated 18.03.2013 on the Management of Bharat Sanchar Nigam Ltd., New Delhi proposing to organize a Dharna at BSNL Corporate Office on 28.04.2013. RLC (C), Hyderabad intervened and on his persuasion, the Union agreed to defer the proposed Dharna.

Bharat Sanchar Nigam Ltd. (BSNL)

3.46 General Secretary, Telecommunication Employees Progressive Union, New Delhi served strike notice dated 08.05.2013 on the management of BSNL, New Delhi, proposing to go on indefinite Strike from 13.06.2013 including demonstration & dharna over non-implementation of agreement regarding fixation of PL/PE DA. RLC (C), New Delhi intervened and on his persuasion, the proposed indefinite strike has been called off by the Union.

Others

All India General strike on 20-21 February, 2013.

3.47 Major Central Trade Unions (CTUs) namely, BMS, INTUC, AITUC, HMS, CITU, AIUC, AICCTU, UTUC, TUCC, LPF/SEWA in their joint declaration on 04.09.2012 have decided to observe country wide general strike on 20-21 February, 2013 to press their 10 point Demands Charter.

3.48 On the direction of the Hon'ble Prime Minister, a Group of Senior Ministers (GoM) comprising Shri A.K. Anthony, Hon'ble Minister for Defence, Shri Sharad Pawar, Hon'ble Minister for Agriculture, Shri P. Chidambaram, Hon'ble Minister for Finance & Shri Mallikarjun Kharge, Hon'ble Minister for Labour &

Employment was constituted to look into the 19 points demand of the Central Trade Unions (CTUs). The Gate Meeting were held on 22.08.2013, 09.10.2013 and 08.01.2014 and demands were discussed.

Artificial Limb Centre

3.49 The Artificial Limb Centre Employees Union, Pune served a Strike Notice dated 30.04.2013 on the Management of Artificial Limb Centre, Pune pleading strike on 20.06.2013. RLC (C), Pune intervened and on his persuasion the proposed strike was deferred.

Settlement

Paradip Port Trust (M/s. Chennai Radha Engineering Works (P) Ltd., Chennai)

3.50 A Memorandum of Settlement was arrived at, between the management of M/s. Chennai Radha Engineering Works (P) Ltd., Chennai and their workmen represented by Utkal Port & Dock Workers Union on 30.04.2013 over the issue of resumption of regular activities within Paradip Port Plant premises of M/s. Chennai Radha Engineering Works (P) Ltd. before Dy.CLC (C), Bhubaneshwar. By way of this settlement 180 workmen were benefitted to the tune of Rs.3,03,40,000.00/-.

Bharat Petroleum Corporation Ltd. (Cochin Refinery)

3.51 A Memorandum of Settlement was arrived at, between the management of Bharat Petroleum Corporation Ltd. (Cochin Refinery) and their workmen represented by Cochin Refineries Employees Association, Cochin Refineries Workers Association & Refinery Employees Union on 30.05.2013 on the issue of new long term settlement etc. before RLC (C), Cochin. By way of this settlement 1349 workmen would get arrears of Rs.23A crore.

Bharat Petroleum Corporation Ltd. (Mumbai Refinery)

3.52 A Memorandum of Settlement was arrived at between the management of Bharat Petroleum Corporation Ltd. (Mumbai Refinery) and their workmen represented by 4 Unions namely Bharat Petroleum Corporation (Refinery) Employees Union (BPCOREU), Process Technicians and Analysts Union (PTAU), Bharat Petroleum Technical and Non-Technical Employees Association (BPTNTEA) and Petroleum Workers Union (PWU) operating in Mumbai Refinery on 31.05.2013 before RLC (C), Mumbai. By way of this settlement 1082 workmen would be benefitted to the tune of Rs.191 crore.

HCL/ Mosaberi Mines

3.53 A Memorandum of Settlement was arrived at between the management of India Resources Ltd., contractor of M/s HCL/Mosaberi and their workmen represented by HCL Mosaberi Mines Employees Union on 26.06.2013 on the issue Payment of Bonus before RLC (C), Dhanbad. By way of this settlement 1220 workmen would be benefited to the tune of Rs.54,15,636/-.

Vision Statement of CLC(C) Organisation

- Conflict free Industrial Relations in the control Sphere.
- Improving Conciliation services and enforcement of Labour Laws through training and strengthening of enforcement machinery.
- To further improve conciliation services, administration and enforcement of labour laws to meet the expectations of social partners and future changes in economy and global scenario through a system of meaningful dialogue and regular consultations with them.
- To ensure national minimum wages for workers in all employments.
- To equip the CLC(C) organisation with trained and motivated officials with proper orientation through continuous training and development programmes.
- To maintain a data bank relating to industrial relations, administration and enforcement of labour laws with facilities of continuous updating through computer network across the country.

Progressive Use of Hindi in CLC's(C) Organisation

3.24 In order to increase the progressive use of Official Language in the Office of the Chief Labour Commissioner (Central), various Hindi Competitions were organised during Hindi Fortnight. In the month of September, 2013, Various officers / employees of the CLC(C)'s Organisation took active participation in these competitions. All the winners of the competition were awarded the prize through the hands of Chief labour Commissioner (Central) in the concluding ceremony of Hindi Fortnight.





Shri S.K. Agnihotri, Chief Labour Commissioner (Central) distributing prizes to the officials on the occasion of Hindi Fortnight Celebration

Trade Unions Act, 1926

3.25 The Trade Unions Act, 1926 is a Central Act, but administered by the State Governments. The Act provides for registration of Trade Unions of workers and in certain respects, it defines the law relating to registered Trade Unions.

3.26 The Trade Unions Act, 1926 was last amended vide the Trade Unions (Amendment) Act, 2001 and enforced w.e.f. 05.01.2002. The intention of these amendments is to ensure orderly growth of Trade Unions and reduce multiplicity of Trade Unions and promote internal democracy.

3.27 The Act mandates the 'appropriate Government' (respective Governments) to appoint Registrars of Trade Unions. Under Section 4 of the Act, any Union seeking registration has to make an application to the Registrar, accompanied by a copy of the Rules of the Trade Union, detailed particulars of the Union and a general Statement of the assets and liabilities of the Union. A Trade Union is not entitled to registration unless its Executive Body is constituted in accordance with the provisions of the Act. The Act does not prescribe any time limit for granting registration by the Registrar.

3.28 The demand for compulsory registration of Trade Unions within 45 days has been raised by the Central Trade Union Organisations from time to time. The demand for making compulsory registration of Trade Unions within a period of 45 days was examined while the Ministry was considering the amendment proposals to the Trade Unions Act, in 1982. At that time, the Ministry of Law and Justice advised that it would not be feasible to set any time limit for registration of Trade Unions without making a 'deemed provision' under the Act. Therefore, a decision was taken in the Ministry that insertion of the provision for 'deemed registration' in case Registrar does not dispose off the application for registration within 45 days from the date of completion of all formalities by the applicant would not be advisable.

3.29 Two Tripartite Consultation Meetings were held on 2011 with the representatives of Central Trade Unions, Employers' Associations and

different State Governments on this issue and it was noted that many State Governments had already prescribed time-limits for registering Trade Unions but instances were also noticed in many cases. The matter was again examined in the Ministry and an advisory was issued with the approval of Hon'ble LEM vide this Ministry's OM No. S-1301/2/2011-IR (PL) dated 31.01.2013 to all the State Governments/UT Authorities to make necessary provisions for disposal of applications for registration of Trade Unions in the respective State Rules/Enactments, either by incorporating appropriate enhancements in the State Regulation or by issuing an Executive order to the State Registrars.

The Industrial Disputes Act, 1947

3.00 The Industrial Disputes Act, 1947 provides for investigation and settlement of industrial disputes. The main objectives of the Act are:

- promotion of measures for securing and preserving amity and good relations between the employer and workmen;
- investigation and settlement of industrial disputes, between employers and employers, employers and workmen or workmen and workmen;
- prevention of illegal strikes and lock-outs;
- relief to workmen in the matter of lay-off and retrenchment; and
- collective bargaining.

3.01 After detailed discussions with stakeholders, the Government has amended the Industrial Disputes Act, 1947 vide the Industrial Disputes (Amendment) Act, 2010. The amended provisions have come into force w.e.f. 15.6.2010. The amended Act inter-alia provides for:

- Assessment of the term "appropriate Government" defined under section 2(a) of the Act to simplify the existing definition.
- Enhancement of wage ceiling of a workman from one thousand six hundred rupees per month to ten thousand rupees per month under section 2(s) of the Act.
- Direct access for the workman to the Labour Court or Tribunal in case of disputes arising out of section 2A of the Act.
- Imposing the bars of qualifications of Presiding Officers of Labour Courts or Tribunals under sections 7 and 7A of the Act.
- Establishment of Grievance Redressal Machinery in every industrial establishment employing twenty or more workmen for the resolution of disputes arising out of individual grievances.
- Empowering the Labour Court or Tribunal to execute the awards, orders of settlements arrived at by Labour Court or Tribunals.

The Plantations Labour Act, 1951

3.02 The Plantations Labour Act, 1951 is a Central Act but administered by the State Governments. Act provides for the welfare of plantation labour and it regulates the conditions of work in plantations. This Legislation is applied to all tea, coffee, rubber, cinchona and cardamom plantations which measure 5 hectares or more, in which 15 or more persons are working. The State Governments are also vested with powers to extend all or any of the provisions of the Act to any plantation notwithstanding that it measures less than 5 hectares or the number of persons employed therein is less than 15. Offices, hospitals, dispensaries, schools and créches within the plantation premises are also covered by this Act. The Act contains important provisions related to health, welfare, hours of work, rest intervals, prohibition on employment of children etc.

3.03 In view of the changing social, economic and industrial realities scenario of the country, the Government after extensive tripartite consultations with the stake holders amended the Act in 2010 to make it more welfare oriented for the workers in the Plantation Sector. The important features of the amended Plantations Labour (Amendment) Act, 2010 are as under:

- Definition of 'employer' has been made broad based and the ambiguities regarding the responsibility to be fixed on employers in case of any violation of the Act have been removed.

- Definition of 'family' has been made gender neutral to remove the distinction between the family of a male and a female worker, for availing maternity benefits as per the Act.

- The scope of definition of 'worker' has been enlarged by enhancing wage ceiling from Rs.750/- to Rs.10,000/- per month making it at par with other welfare legislation. Contract workers who have worked more than 60 days in a year have also been included within the ambit of the Act. With this amendment, large number of workers will be able to avail the benefits as provided in the Plantations Labour Act, 1951 including contract labour.

- The amended Act provides for a new chapter IV-A to cover all aspects of safety and occupational health of workers working in the plantations. This chapter puts obligation on the employers to provide for safety of workers in connection with use, handling, storage and transport of insecticides chemicals and toxic substances and such workers should be trained to handle and know about the hazards and application of chemicals and toxic substances. It also provides for maintenance of health record and periodic medical examination of the workers handling the chemicals and toxic substances. The Act further provides for providing washing, bathing and cloak room facilities along with protective clothing and equipment to these workers. Employers shall be under legal obligation to appoint a supervisor possessing the prescribed qualification to supervise the use handling and transportation of chemical and toxic substances in the plantations.

- The employment of children in the plantation has completely been prohibited.

- The amended Act enjoins upon the State Government to provide medical facilities and recover the costs thereof from the defaulting employer. Now, the State Government will have the power and responsibility to provide for adequate medical facilities for the workers and their families in case of default by employers and recover the cost from them.

- A new Section 32-C has also been inserted in the Act to prescribe the manner in which compensation in case of accident shall be registered by the employer with the Commissioner in terms of the Workmen's Compensation Act, 1923.

- The amended Act also makes provisions for any worker, an office bearer of the trade union of which such worker is a member, for filing a complaint regarding the commission of an offence under the Act with a provision for providing immunity to the complainant.

- The penal provisions for non-compliance with the provisions of the Act also have been made more stringent for ensuring the effective implementation of the Act.

- The State Government has been empowered to make rules and it may be laid before the State Legislature. There is now no mandatory requirement to take permission from the Central Government.

3.51 With a view to provide a forum to study and discuss problems which are specific to the Plantation industry in order to bring about a better understanding among all the stakeholders and to render advice in solving such problems, the Ministry has constituted an Industrial Tripartite Committee for the Plantation Sector. The first meeting of the Committee was held under the chairmanship of Hon'ble Minister of State for

Labour & Employment on 16.01.2013. An important outcome of the meeting was the decision to set up an Inter-Ministerial Group (IMG) for Plantations Sector under the chairpersonship of Secretary (L&E). The IMG has been constituted on 25.02.2013 to examine the following issues:

- Subsidised Housing Scheme for Workers.
- Minimum wages to be paid to Plantation workers all over the country.
- Extension of medical facilities with hospitalization.
- Safety against use of hazardous chemicals and pesticide.
- Extending social benefits to the workers.

Monitoring of Industrial Relations

3.68 Based on the information received from Labour Bureau on the number and spatial dispersion of strikes / lockouts, number of workers involved and mandays lost, number of units reporting retrenchment and the extent of lay offs, the Ministry monitors the industrial harmony prevalent in the country.

3.69 The total number of strikes and lockouts and mandays lost during the period 2008-2012(P) are as follows: -

Year	Strikes	Lock-outs	Total	Mandays
2008	349	181	424	1162791
2009	181	118	345	1183555
2010	199	118	379	2515037
2011(P)	178	181	378	1448511
2012(P)	280	118	439	1272761
2013(P) (Jan-Nov)	134	15	168	2121966

Source: Labour Bureau, Shimla
(P): Provisional

3.67 The spatial / industry wise dispersion of the number of strikes and lockouts and the workers consequently affected is not uniform. Mandays lost is a direct measure of the impact of industrial unrest on industrial production.

3.68 Most of the industrial unrest, as indicated by strikes and lockouts, are primarily caused by factors relating to indiscipline & violence, wages & allowances and personnel matters. During 2013 wages & allowances have been the major causal factor for industrial unrest.

Closure

3.69 The number of units affecting closure in both Central and State sphere during the last five years are as follows:-

Closures and workers affected during 2008-2012(P) (both in Central and State spheres)		
Year	Closures	Workers affected
2008	68	4202
2009	68	5871
2010	42	3861
2011(P)	68	4814
2012(P)	44	1858
2013(P) (Jan-Nov)	66	6845
Source : Labour Bureau, Shimla (P): Provisional		

3.70 Financial problems, shortage of raw material, shortage of power, break down of machinery and lack of demand for products are the main reasons for closures during the period.

Lay-Off

3.71 Lay-off can be defined as the failure, refusal or inability of an employer to give employment to a workman whose name is borne on the muster rolls

of the industrial establishment and who has not been retrenched. Supply side bottlenecks such as shortage of power, raw materials, accumulation of stocks or breakdown of machinery etc. as well as seasonal fall in demand may result in lay-offs.

3.12 The number of units effecting lay-off and the number of workers affected due to lay-off during 2008-2013 (P) were as follows:-

Lay-offs and workers affected during 2008-2013 (P) (both in Central and State spheres)		
YEAR	LAY-OFFS	WORKERS AFFECTED
2008	57	14513
2009	48	14428
2010(P)	33	1484
2011(P)	17	1991
2012(P)	8	1767
2013(P) (Jan-Nov)	26	1181
Source : Labour Bureau, Shimla (P): Provisional.		

Retrenchment

3.13 As per the provisions contained in Chapter-VA of the Industrial Disputes Act, 1947, establishments employing 100 persons or more are required to seek prior permission of the appropriate Government in the prescribed application form before effecting closure, retrenchment or lay-off. In the Ministry of Labour & Employment applications are received for such closures / retrenchments/lay-offs from establishments falling in the Central sphere. These applications are examined and a hearing is held in order to provide an opportunity to both the management and the workers to make submissions on issues pertaining to the proposed action of the management. Based on the oral and written submissions made by the parties and considering the reasonableness / genuineness of the management's application, a decision to grant / not grant permission for closure, retrenchment or lay-off is taken. Wherever permission is granted, it is ensured that workers' interests are protected as far as possible.

3.14 The number of units effecting retrenchment and workers retrenched therein during the period 2008-2013(P) are as follows :-

Retrenchment and workers affected during 2008-2013(P) (both in Central and State spheres)		
YEAR	RETRENCHMENT	WORKERS AFFECTED
2008	19	1748
2009	29	2891
2010(P)	13	668
2011(P)	6	47
2012(P)	18	1257
2013(P) (Jan-Nov)	33	1295
Source : Labour Bureau, Shimla (P): Provisional		

Industrial Tripartite Committees

3.15 Industrial Tripartite Committees (ITCs) have been constituted with the view to promote the spirit of tripartism. These tripartite bodies provide a forum where the social partners can appreciate each other's industry specific problems through dialogue and help in evolving consensual policy options. These Committees are non-statutory Committees and their meetings are convened as and when required. Government's

proactive role in these Committees has successfully harnessed the interest of the employers and workers resulting in a change of attitude from confrontation to that of reconciliation.

Adjudication

3.76 Twenty five Industrial Tribunal-cum-Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of industrial disputes in organisations for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh (two courts each) and one each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneshwar, Ahmedabad, Dibrugarh, Asansol and Guwahati.

3.77 In order to take care of the huge pendency of unresolved industrial disputes, Lok Adalats have been introduced as an alternative grievance redressal mechanism, within the adjudication system of the CGITs from the 10th Five Year Plan. The objective is to settle industrial disputes through the pending forum Cases, which are relatively uncomplicated, are taken up for adjudication through this system. However, its success depends on the readiness of the litigating parties for getting their cases settled through this method. The Presiding Officers of the CGITs play the role of facilitators.

3.78 During the XI Plan onwards, this mechanism of Lok Adalats has been made an indispensable part of the adjudication system. During the period 01.04.2013 to 31.03.2014, 41 Lok Adalats were held and 48 cases were settled.



Group Photo of the Central Labour Service Officers who attended the Training Programme held on 04.02.2013-20 on Skills Development under Labour Laws.

4

PRODUCTIVITY

4.1 Productivity is a measure of efficiency with which resources, both human and material, are converted into goods and services.

- Faster rate of economic growth can be ensured through sustainable production and higher productivity in all branches of economic activity. The productivity of human resource (labour), being an important input beside land and capital, play a significant role in determining the overall economic growth of a nation.
- Apart from the level of human skills, the quantity of raw material and the technology employed are also responsible for the productivity of human resources.

LABOUR PRODUCTIVITY

4.2 Comparison of labour productivity growth across APO member countries. During the year 2000 to 2011 as depicted in Table 4.1 shows that labour productivity has been the highest in China (8.1%) followed by India (5.8%), Lao PDR (4.9%), Vietnam (4.5%), Cambodia (4.1%) Malaysia (3.8%), Sri Lanka (3.7%), Pakistan (3.2%). India ranked 1st among 20 APO member countries for which the study has been made.

4.3 The labour productivity growth in India measured in terms of growth in real GDP per person employed for the two time periods show that it was 3.8% during 2000-2005 while it increased at an annual rate of 7.7% during 2005-2011 period. It may be noted that India's labour productivity growth during 2005-2011 was also the second highest among the 20 APO Member's Countries. The Labour productivity growth during 2000-2011 in India has all along been better than the comparative position in respect of benchmark countries such as United States (except China). This accounts for the progress achieved by the Indian Economy through higher labour productivity during the decade of globalisation.

4.4 A statement giving the labour productivity measure in terms of Gross Domestic Products (Purchasing Power Parity) per person employed per hour and Overall Productivity-Real Growth i.e. Percentage change of Real GDP per person Employed in Asian Countries and five benchmark countries during 2011 from the world Competitiveness Year Book (WY) are given in the Table 4.2.

4.5 The comparison reveals that productivity level per person employed per hour in India during 2012 in comparison to other selected nine Asian countries is the lowest at 4.41 US$. The labour productivity in selected nine Asian Countries has been reported to be the highest for Singapore (44.69 US$) followed by Hong Kong (43.96 US$) and Japan (34.76 US$). In the case of Overall Productivity Growth (percentage change of real GDP per person employed), China reported the highest growth rate at 7.07%, while India's growth rate stood at 3.14%.

NATIONAL PRODUCTIVITY COUNCIL

4.6 The National Productivity Council (NPC) is an autonomous body under Ministry of Commerce & Industry and is partly funded by the Government of India:-

4.7 NPC aims at Dissemination of knowledge and experience in productivity, promotion of consciousness and improvement in productivity, strengthening of the performance and competitiveness of the economy and improving the conditions and quality of working life.

4.8 NPC operates through its Head Quarters in New Delhi along with 12 Regional Productivity

Management Groups (PPMGs) based at major cities of India.

4.9 Ministries of the Government of India and representatives of employers' and women's organizations are members of the Council.

4.10 NPC undertakes training programmes in the area of management services, energy efficiency, industrial pollution control, industrial engineering, economic services and human resource development and also provides consultancy services in both formal and informal sectors of the economy.

- Skill Development of Social lapsers / School Dropouts through three schemes i.e., Craftsmen Training Scheme, Apprenticeship Training Scheme and Skill Development Initiative;
- Upgradation of 1896 Government ITIs under following three Schemes:
  - ✓ Upgradation of 100 Government ITIs into Centre of Excellence
  - ✓ Upgradation of 400 ITIs under 'Universally Aided Projects(UAP) for reforms and improvement in Vocational Training Services received by Centre and State Government
  - ✓ 1396 under Public Private Partnership through Tripartite Management Committee
- Training for Industrial Worker for Skill Upgradation
- Training for instructors of ITIs
- Aligning short term courses as per industrial need.
- Introduction of courses on IT Literacy and Employability Skills in curricula of ITIs
- Regular updation of course curricula as per market need
- Involvement of industry in development of curricula of various trades covered under schemes
- Enhancing Skill Development Infrastructure in NE States & Sikkim
- Skill Development of 54 districts affected by Left Wing Extremism
- Training of 6000 Youth of Jammu & Kashmir
- Preparing scheme for enhancing outreach by setting new ITIs in un-serviced blocks of country.
- Preparing new scheme for enhancing institutional capacity for training of trainers by setting new Advanced Training Institutes in country.

4.11 NPC has instituted National Productivity Awards for selected sectors of the economy such as agriculture and food processing industries with the objective to recognize the enterprise, which excel in productivity performance and to motivate other enterprises to enhance their productivity.

PRIME MINISTER'S SHRAM AWARD SCHEME-2012

4.12 To give recognition to outstanding contribution towards production and productivity, technological innovations, cost saving, import substitution, saving of foreign exchange and for showing exemplary zeal and enthusiasm in the discharge of duties, the Ministry of Labour and Employment administers a scheme entitled 'Prime Minister's Shram Awards' to workmen (as defined in Industrial Dispute Act, 1947) employed in departments / public sector undertakings of the Central / State Governments and the manufacturing units employing 500 or more workers in the private sector in recognition of their performance, devotion in duty etc. Only those workmen are eligible for the awards, who are engaged in manufacturing and Productive processes and whose performance is

associations. These awards are announced every year generally on the eve of either Republic Day or Independence Day. The awards in the order of precedence are Shrama Ratna, Shrama Bhushan, Shrama Vir / Shrama Veerangana and Shrama Devi.

4.13 The cash prize and number of awards given in the year 2012 for each category are given in Table 4.3.

4.14 Besides the cash prize, the awardees also receive a "SANAD" from the Prime Minister. The awardees are also eligible for 10% concession in second class rail fare.

4.15 The Prime Minister's Shram Awards for the year 2012 awarded to 33 worker groups employed in the Departmental Undertakings & Public Sector Undertakings of the Central and State Governments and Private Sector Units employing 500 or more.

4.16 Shram Awards were set up by the Government of India in 1969 to recognize the outstanding contributions of workers in different fields.

Table 4.1

Labour Productivity Growth (%) for the year 2009-2011 (Average annual growth rate of GDP at constant prices per worker at 2005 PPPs)

Countries	2005-2008	2009-2011	2005-2011
Bangladesh	1.9	3.0	2.4
Cambodia	3.8	4.8	4.1
PDC	2.8	3.9	3.8
Fiji	1.8	-0.4	0.8
Hong Kong	3.3	3.1	3.2
India	3.6	7.7	5.0
Indonesia	3.8	3.8	3.2
Iran	3.6	2.9	3.2
Japan	1.3	0.8	1.0
Korea	2.9	3.9	3.5
Lao PDR	4.1	5.1	4.6
Malaysia	3.0	1.9	2.5
Mongolia	7.7	6.0	6.8
Nepal	0.5	1.3	0.8
Pakistan	2.0	0.4	1.2
Philippines	1.1	2.7	1.8
Singapore	3.1	0.4	1.8
Sri Lanka	2.5	4.5	3.7
Thailand	3.0	2.1	2.5
Vietnam	4.8	4.2	4.6
Benchmark Countries			
China	9.8	10.2	9.4
US	2.1	1.3	1.7
EMS	0.9	0.8	0.7

Source: Estimated from 'APO Productivity Data Book 2011'

Table 4.2

Comparison of Labour Productivity Levels

Countries	Labour Productivity (PPP) (GDP Per person employed per hour, US $)	Overal Productivity (Real Growth) (Percentage change of real GDP per person employed)
Hong Kong	41.35	-1.02
India	4.48	3.14
Indonesia	5.15	5.14
Japan	34.76	2.23
Korea	25.80	3.22
Malaysia	16.36	1.97
Philippines	4.93	5.37
Singapore	44.56	-2.56
Thailand	7.15	5.15
Benchmark Countries		
China	8.04	7.57
US	56.18	0.56

Source: World Competitiveness Yearbook, 2013

Table 4.3

Prime Minister Shram Awards

The Cash Prize and Number of Awards under different categories

S.No	Name of Award	Number of Awards	Cash Prize	Criteria
1.	Shram Ratna	1	Rs.[illegible]	Highest Award will be given to a worker who has really outstanding caliber and has made exceptional all round contribution
2.	Shram Bhushan	4	Rs.1,00,000 each	Workers who have made outstanding contribution in productivity, also shown innovative abilities of higher order.
3.	Shram Vir / Shram Veerangana	12	Rs.60,000 each	Workers who have a continuous record of dedicated service and has achieved high order of productivity.
4.	Shram Devi / Shram Shree	18	Rs.40,000 each	Workers who have shown extra ordinary zeal and enthusiasm for work and have made remarkable contribution towards productivity

Introduction

5.1 In a labour surplus country like India, it is difficult to have an uniform and comprehensive wage policy for all sectors of the economy. Wages in the organized sector is generally determined through negotiations and settlements between the employer and employees. In the unorganized sector, however, labour is vulnerable to exploitation due to illiteracy and lack of effective bargaining power. The minimum rates of wages are fixed both by Central and State Governments in the scheduled employments falling within their respective jurisdictions under the provisions of the Minimum Wages Act, 1948. The Act binds the employers to pay the workers the minimum wages as fixed from time to time.

Minimum Wages Act, 1948

5.2 Under the Minimum Wages Act, 1948 both Central and State Governments are "Appropriate Governments" for fixation/revision of minimum rates of wages for employments covered by the Schedule to the Act. There are 45 scheduled employments in the Central sphere while in the State sphere the number of such employments is as many as 1679. The minimum rates of wages also include Special Allowance i.e. Variable Dearness Allowance (VDA) linked to Consumer Price Index Number, which is revised twice a year effective from April and October. The Central Government and twenty-six States / UTs have adopted VDA as a component of minimum wage. The range of wages for the unskilled workers as fixed/revised in respect of employments covered under Central and State sphere are at Table 5.1.

5.3 Gazette Notification No. S.O. 3288 (E) dated 19.09.2012 to upgrade the categories of minority goatds from unskilled (Without arms) to semi-skilled (Without arms) and semi-skilled (With arms) to skilled (With arms) engaged in the scheduled Employment of 'Watch and Ward' has been published.

National Floor Level Minimum Wage (NFLMW)

5.4 In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, the concept of National Floor Level Minimum Wage as a non-statutory measure was mooted on the basis of the recommendations of the National Commission on Rural Labour (NCRL) in 1991. On the basis of increase in the Consumer Price Index, the Central Government has fixed the National Floor Level Minimum Wages from Rs.115/- to Rs.137/- per day w.e.f. 01.07.2013.

Central Advisory Board (CAB)

5.5 The Central Government has re-constituted the Central Advisory Board (CAB) vide Notification No. S.O. 1446 (E) dated 3rd June, 2013 under Section 8 of the Minimum Wages Act, 1948. Minimum Wages Advisory Board (MWAB)

5.6 The Central Government has re-constituted the Minimum Wages Advisory Board (MWAB) vide Notification No. S.O. 1445 (E) dated 03.06.2013 under Section 7 of the Minimum Wages Act, 1948.

Status of Amendments to the Minimum Wages Act, 1948

5.7 The amendment proposed were last discussed in the CoS meeting held on 24.05.2012 under the Chairmanship of Cabinet Secretary. The CoS, inter-alia, recommended that the proposal to make NFLMW statutory and other amendments to the Minimum Wages Act, 1948 may be discussed in the Labour Ministers' Conference on 27.06.2012 and then views incorporated in the Cabinet Note. The Cabinet met on 21.02.2013 and approved the proposal. While approving the proposals the Cabinet directed that a suitable Bill be prepared in consultation with the Ministry of Law & Justice and brought to its consideration at an early date. Draft Bill to give effect to the proposed

amendments has since been prepared by the Min Law & Justice in consultation with Ministry of Labour & Employment. The Note for Cabinet along with draft was sent to the Cabinet Secretariat on 04.02.2014. The Cabinet considered the Note for Cabinet on 12.03.2014 on the proposed amendment to the Minimum Wages Act, 1948 and decided that the matter be considered by a Group of Ministers.

Enforcement of Minimum Wages Act, 1948

6.8 The Government is committed to enhance the welfare and well being of farm labour and workers particularly those in the Unorganised sector and to ensure the implementation of Minimum Wage enactments. Minimum Wages under Central sphere are enforced through Central Industrial Relations Machinery (CIRM). The position in respect of cases of enforcement by CIRM for the year 2013-14 is provided in Table 6.2. In the State Sphere, the State Enforcement Machinery ensures enforcement of the Minimum Wages Act. The position of enforcement of the Act in different States/UTs during 2011-12 is shown in Table 6.3.

The Payment of Wages Act, 1936

6.9 The Payment of Wages Act, 1936 was enacted to regulate payment of wages to workers employed in industries and to ensure a speedy and effective remedy to them against illegal deductions and / or unjustified delay caused in paying wages to them. The wage ceiling under Payment of Wages Act, 1936, was fixed at Rs.1,600/- p.m. in 1982.

6.10 The ceiling has been periodically revised upwards with a view to make the wages adjust to the inflation. In exercise of the powers conferred by sub-section (6) of Section 1 of the Act, the Central Government, on the basis of the Consumer Expenditure Survey brought out by the National Sample Survey Organisation, has enhanced the wage ceiling from Rs.15,000/- to Rs.18,000/-per month w.e.f. 11.09.2012.

The Payment of Wages (Nomination) Rules, 2005

6.11 In pursuance of the recommendation of the Special Task Force set up by the Ministry of Women and Child Development for providing complete equality to women workers men in terms of payment of wages, the Central Government has notified the Payment of Wages (Nomination) Rules, 2005, vide notification G.S.R. No. 803 (E) dated 29.09.2005 defining the provisions for nomination and restricting the nomination by workers to his/her family members as far as applicable, in exercise of powers conferred in sub-section (3) of section 26 of the Payment of the Wages Act, 1936.

Wage Boards

6.12 In the 1950s and 60s, when the organised labour sector was at a nascent stage of its development, Government in appreciation of the problems of wage fixation in some sectors, constituted neutralised Wage Boards from time to time in line with the accepted policy of the Ministry of Labour. The Wage Boards are tripartite in character in which representatives of workers, employers and independent members participate and finalise the recommendations. At present, only two Wage Boards, one for the Working Journalists and the other for the Non-Journalist newspaper employees are in operation as statutory Wage Boards. All other Wage Boards have ceased to exist.

6.13 In 2002, the Second National Commission on Labour (NCL) in its report had recommended that at present there is no need for any wage based, statutory or otherwise, for fixing wage rates for workers in any industry. However, Government decided not to accept the recommendations of NCL regarding setting up of the statutory wage boards i.e. Wage Boards for Working Journalists and Non-Journalist Newspaper Employees under the Working Journalists & other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Wage Boards for Newspaper Employees

6.14 The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 provides for regulation of conditions of service of working

journalists and other persons employed in newspaper establishments. The Section 9 and 13 C of the Act, inter alia, provide for setting up of Wage Boards for fixation and revision of rates of wages in respect of working journalists and non-journalist newspapers/news agency employees respectively. According to the Act, Wage Boards shall consist of the following:

- Three persons representing employers in relation to newspaper establishment;

- Three persons, representing working journalists for Wage Board under Section 9 and three persons representing non-journalist newspaper employees for Wage Board under section 13 C of the Act.

- Four independent persons, one of whom shall be a person who is or has been a Judge of High Court or the Supreme Court, and who shall be appointed by the Government as the Chairman thereof.

5.15 The Act does not lay down the periodicity for constituting the Wage Boards. In the past, the Wage Boards for these employees were set up in the years 1956, 1963, 1975, 1980, 1994 and 2007.

5.16 The Government constituted two Wage Boards - one for Working Journalists and other for Non-Journalist Newspaper Employees under Section 9 and 13C respectively under the Working Journalists and other Newspaper Employees (Conditions of Service) & Miscellaneous Provisions Act, 1955 vide notifications in the Gazette of India (Extra Ordinary) S. O. Nos. 806 (E) and 811 (E) dated 31.05.2007. The Wage Boards were given three years time to submit their reports to the Union Government. The Wage Boards functioned from their Headquarters at New Delhi.

5.17 The Government, in consultation with the Wage Boards for Working Journalists and non-journalist newspaper employees, notified the grant of interim rates of wages to journalists and other newspaper employees and news agency employees at the rate of 30% of the basic wage with effect from 8th January, 2008 vide notifications S. O. No. 3508 (E) and S. O. No. 3525 (E) dated 24.10.2008.

5.18 The Government appointed Justice G. R. Majithia, retired Judge of High Court of Bombay as interim Chairman of the two Wage Boards, one for Working Journalists and the other for Non-Journalist Newspaper Employees in place of Justice K. Narayana Kurup who resigned w.e.f. 31.07.2008. Justice Majithia assumed charge on 04.09.2008.

5.19 The Central Government, in exercise of powers conferred by Section 9 & 13 C of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), constituted the boards of the Wage Boards for Working Journalists and Non-Journalist Newspaper Employees under the Chairmanship of Justice Majithia, up to 31.12.2010 so as to finalize the recommendations of the Wage Boards on or before 31st Dec, 2010, vide notifications S.O. 1904 (E) and S.O.1905 (E) dated 02.06.2010.

5.20 The Wage Boards submitted their final Report to the Government on 31.12.2010. The Cabinet in its meeting held on 25.10.2011 approved the proposal to accept the recommendations of the Wage Boards for Working Journalists and Non-Journalist Newspaper Employees of Newspaper Establishments and News Agencies, as contained in the Ministry's Cabinet Note dated 07.10.2011.

5.21 The recommendations of the Majithia Wage Boards has been accepted by the Government and notified in the Official Gazette vide S.O. No. 3182 (E) dated 11.11.2011. As the implementation part rests with the State Governments / UTs., copies of notification have been forwarded to all the State Government / UTs with the request for its implementation.

5.22 Meanwhile, a Writ Petition No.244 of 2011 in the matter of ABP Private Limited Vs. UOI &

Others alongwith 11 other Writ Petitions by other News paper employers were filed before the Hon'ble Supreme Court of India challenging the constitution and recommendations of the Majithia Wage Boards. The Hon'ble Supreme Court vide its Judgment dated 07.02.2014 in the said Writ Petition No. (s) of 2011 has directed that all the Writ Petitions have been dismissed and the wages as revised / determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of the Majithia Wage Boards. All the arrears upto March, 2014 shall be paid to all the eligible persons in four equal instalments within a period of one year from 07.02.2014 and continue to pay the revised wages from April, 2014 onwards.

6.23 In order to monitor the implementation of the notification, a Central Level Monitoring Committee has been set up under the Chairmanship of Principal Labour & Employment Advisor. The first meeting of the Committee was held at Hyderabad on 24.08.2012 covering the 7 Southern States / U.Ts. The Second Meeting of the Committee was held at Bhubaneshwar on 13.08.2013 in respect of 9 Eastern States namely Bihar, Chhattisgarh, Jharkhand, Odisha and West Bengal to review the implementation of the Wage Board Awards.

THE PAYMENT OF BONUS ACT, 1965

6.24 The Payment of Bonus Act, 1965 provides for the payment of bonus to persons employed in certain establishments, employing 20 or more persons, on the basis of profits or on the basis of production or productivity and for matters connected therewith.

6.25 The minimum bonus of 8.33% is payable by every industry and establishment under the section 10 of the Act. The maximum bonus including productivity linked bonus that can be paid in any accounting year shall not exceed 20% of the salary/wage of an employee under section 31 A of the Act.

6.26 Two ceilings are available under the Payment of Bonus Act, 1965. The limit specified under Section 2(13) which defines an eligible employee under the Act, is generally known as the eligibility limit. Similarly, the limit prescribed for calculation of bonus under Section 12 is known as the calculation ceiling. The two ceilings are revised to keep pace with the price rise and increase in the salary structure. The revisions of the two ceilings over the years are as follows:

Sl. No.	Year of Amendment	Eligibility limit (Rupees per month)	Calculating ceiling (Rupees per month)
1.	1965	1,000	750
2.	1969	1,500	1,000
3.	1976	2,500	2,500
4.	2007	10,000	3,500

6.27 At present, employees drawing salary or wage not exceeding Rs. 10,000/- per month in any industry to do any skilled or unskilled, manual, supervisory, managerial, administrative, technical or clerical work for hire or reward are eligible for payment of Bonus. The eligibility limit and calculation ceiling respectively under Section 2(13) and Section 12 of the Act were last revised from Rs. 3,500/- to Rs. 10,000/- per month and from Rs. 2,500/- to Rs. 3,500/- per month, in the year 2007 and made effective from 1st April, 2008.

Table 3.1

RATES OF MINIMUM WAGES FOR WORKERS IN CENTRE & DIFFERENT STATES/UTS

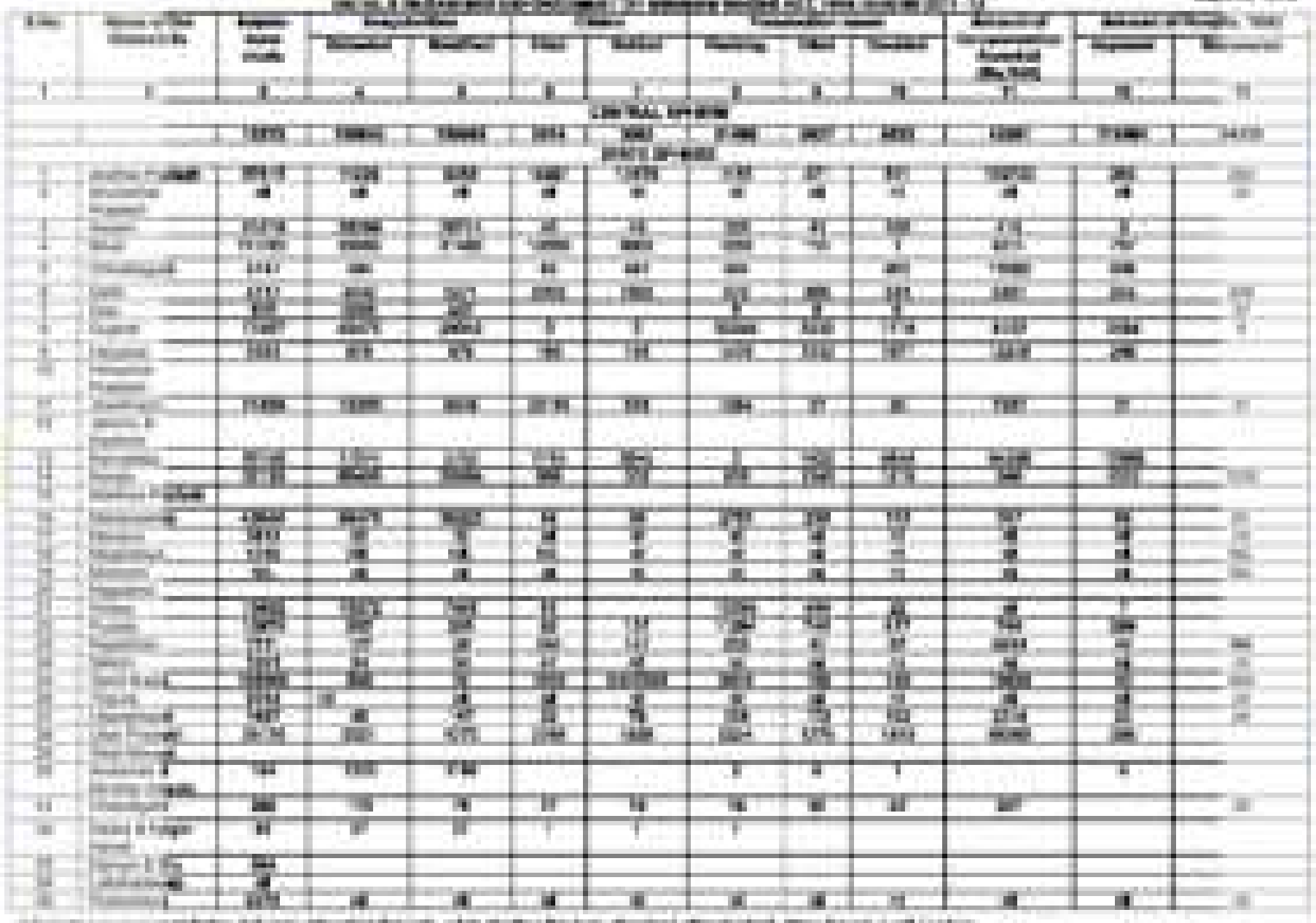
Sl.No.	State/Union Territories	Range of Minimum Wage for Workers (in Rs. Per day)
	Central Sphere	
	State Sphere	
1	Andhra Pradesh	86.00 -116.11
2	Arunachal Pradesh	
3	Assam	
4	Bihar	
5	Chandigarh	
6	Goa	
7	Gujarat	
8	Haryana	
9	Himachal Pradesh	
10	Jammu & Kashmir	
11	Karnataka	
12	Kerala	
13	Madhya Pradesh	
14	Maharashtra	
15	Manipur	
16	Meghalaya	
17	Mizoram	
18	Nagaland	
19	Orissa	
20	Punjab	
21	Rajasthan	
22	Sikkim	
23	Tamil Nadu	
24	Tripura	
25	Uttar Pradesh	
26	Uttarakhand	
27	West Bengal	
28	A & N Islands	
29	Chandigarh	
30	Dadra & Nagar Haveli	
31	Daman & Diu	
32	Delhi	
33	Lakshadweep	
34	Puducherry	

Table - 3.2

Enforcement of Provisions of Wages Laws by Central Industrial Relations Machinery (CIRM) during 2013-14

Sl. No.	Name of the Act	Number of Inspections Made	Irregularities Noticed	Prosecutions Launched	Convictions Obtained	Claims filed
1	The Payment of Wages Act,1936					
	(a) Railways	1251	1117	1151	532	0
	(b) Docks	1264	1047	7	0	0
	(c) Air Transport	774	675	27	0	0
2	Total (Minimum Wages Act)	11680	11000	1247	4014	2210

Table 5.3



6

SOCIAL SECURITY

6.1 The social security schemes in India cover only a small segment of the organized work-force, which may be defined as workers who are having a direct regular employer-employee relationship within an organization. The social security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India. These provide for mandatory social security benefits either solely at the cost of the employers or on the basis of joint contribution of the employers and the employees. While protective entitlements accrue to the employees, the responsibilities for compliance largely rest with the employers.

Social Security Laws

6.2 The principal social security laws enacted for the organized sector in India are:

- The Employees' State Insurance Act, 1948
- The Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (Separate provident fund legislations exist for workers employed in Coal mines and tea plantations in the state of Assam and for seamen).
- The Workmen's Compensation Act, 1923
- The Maternity Benefit Act, 1961
- The Payment of Gratuity Act, 1972

Administration of Social Security Acts

6.3 The provisions of the Workmen's Compensation Act, 1923 are being administered exclusively by the State Governments. Cash benefits under the Employees' State Insurance Act, 1948 are administered by the Central Government through the Employees' State Insurance Corporation (ESIC), whereas the State Governments and Union Territory Administrations are administering medical care alongside ESIC under the Employees' State Insurance Act, 1948. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is administered by the Government of India through the Employees' Provident Fund Organisation (EPFO). In mines and circus industry, the provisions of the Maternity Benefit Act, 1961 are being administered by the Central Government through the Chief Labour Commissioner (Central) and by the State Governments in factories, plantations and other establishments. The Payment of Gratuity Act, 1972 is administered by the Central Government in establishments under its control, establishments having branches in more than one State, major ports, mines, oil fields and railway companies and by the State Governments and Union Territory Administrations in all other cases. This Act applies to factories and other establishments.

Employees' Compensation Act, 1923

6.4 The main objective of the Act is to impose an obligation upon the employers to pay compensation to workers for accidents arising out of and in the course of employment.

6.5 The Act applies to the persons employed in factories, mines, plantations, mechanically propelled vehicles, construction works and certain other hazardous occupations. The Act provides for payment of compensation to the employees and their dependents in case of injury and accident (including certain occupational diseases) arising out of and in the course of employment and resulting in disablement or death.

Entitlement

6.6 In order to be an 'employee' within the meaning of section 2(1) (dd) of the Employees' Compensation Act, firstly, a person should be employed for the purposes of the employer's trade or business, and, secondly, the capacity in which he works should be one set out in the list in Schedule II of the Act.

Benefits

6.7 The rate of compensation in case of death is an amount equal to fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor or an amount of Rs.1,20,000/-, whichever is more. Where permanent total disablement results from the injury, the compensation will be an amount equal to sixty per cent of the monthly wages of the injured workman multiplied by the relevant factor or an amount of Rs.1,40,000/-, whichever is more.

Administration

6.8 The State Governments administer the provisions of the Act through the Commissioners appointed for specified areas. The State Governments also make rules for ensuring that the provisions of the Act are complied with.

6.9 Keeping in view the recommendation of the Second National Commission on Labour and suggestions received from the related Ministries / Departments, certain amendments in the Workmen's Compensation Act, 1923 have been carried out in December, 2009.

Reconstitution of Central Advisory Board on Employees' Compensation Act.

6.10 The Central Advisory Board, a non-statutory body, has been reconstituted for three years by Gazette Notification on 19.10.2010 with a Chairman and 9 Independent members. The other 17 members are from various Ministries / Organisations.

Employees State Insurance Act, 1948

Coverage

6.11 The Employees' State Insurance Act, 1948 applies to factories employing 10 or more persons. The provisions of the Act are being brought into force area-wise in stages. The Act contains an enabling provision under which the 'appropriate government' is empowered to extend the provisions of the Act to other classes of establishments industrial, commercial, agricultural or otherwise. Under these provisions, the State Governments have extended the provisions of the Act to shops, hotels, restaurants, cinemas including preview theatres, road motor transport undertakings, newspaper establishments, educational and medical institutions employing 10 or more employees. Employees of factories and establishments covered under the Act drawing monthly wages upto Rs.15,000/- per month and Rs.25,000/- per month for persons with disabilities are covered under the Scheme. The ESI Scheme is now operational in 815 districts situated in 29 States/Union Territories. As on 31.03.2013, 1.56 crore insured persons and about 7.21 crore beneficiaries were covered under the Scheme. The number of factories and establishments covered by the end of the year had gone up to about 6,66,191.

Administration

6.12 The ESI Scheme is administered by a statutory body called the Employees' State Insurance Corporation (ESIC), which has members representing Employers, Employees, Central and State Governments, Medical Profession and the Parliament. The Union Minister for Labour & Employment is the Chairman. A Standing Committee constituted from among the members of the Corporation, acts as the executive body for administration of the Scheme and is chaired by the Secretary in the Government of India, Ministry of Labour & Employment. There are 24 Regional Boards and 423 Local Committees in existence as on 31.03.2013. The Director General is the Chief Executive Officer of the Corporation and is also an ex-officio member of the Corporation as well as its Standing Committee. The Hqrs. of the ESI Corporation is located at Delhi. The Corporation has 63 field offices- 23 Regional Offices, 37 Sub-Regional Offices, 1 Divisional Office throughout the country. Besides, there are 494 Branch Offices and 184 Pay Offices for administration of cash benefits to insured Persons. For exposition any coverage of new factories / Establishment, 498 Inspection Officers are functioning across the country.

Funding and Operation of the Scheme

6.13 The ESI Scheme is mainly financed by contributions from the employers and employees.

The rates of the employers' and the employees' share of contribution are 4.75% and 1.75% respectively. The State Governments' share of the expenditure on the provision of medical care is to the extent of 12.5% (1.6% within the per capita ceiling). The Corporation has prescribed a ceiling on the chargeable expenditure per insured person family unit which has been raised to Rs.1600/- per IP family unit per annum w.e.f. 01.04.2012. All capital expenditure on construction of ESI Hospitals and other buildings including their maintenance is borne exclusively by the Corporation.

Investment:

6.14 All contributions received under the ESI Act and all other money belonging to the fund which is not immediately required for defraying day to day expenses are invested in the manner prescribed statutorily. As on 31.12.2013, the total investment of fund was Rs.34599.87 crore. Out of this, an amount of Rs.9600.00 crore was invested in the Special Deposit Account with Central Government and the balance amount of Rs.24999.36 crore was invested in fixed deposits with nationalized banks.

Arrears of ESI Dues:

6.15 A sum of Rs.1855.42 crore was in arrears as on 31.03.2013 on account of default by the employers of covered factories / establishments.

6.16 Out of this, an amount of Rs.1126.14 crore was not recoverable for the present due to various reasons such as factories having gone into liquidation, recovery having been stayed by Courts, etc. An amount of Rs.729.28 crore, represents recoverable arrears. The Corporation has been taking necessary recovery action through Recovery Machinery, Legal and penal actions, under various provisions of the Employees' State Insurance Act, 1948. During the year 2012-13, the Corporation realized Rs.179.16 crore from the defaulters through its own recovery machinery. Further, an amount of Rs.109.38 crore was recovered from April - December 2013.

Health Benefits:

6.17 The Scheme provides full medical facilities from primary health care to super specialty treatment in respect of the insured persons and their family members. The medical care under the Scheme is administered by the State Governments, except in Delhi. The Corporation also directly runs 38 Hospitals as on 31.12.2013 including 5 Hospitals as Occupational Disease Centres/Hospitals in various states as per details given in Table 6.1.

Employees' Provident Funds and Miscellaneous Provisions Act, 1952

6.18 The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is a welfare legislation enacted for the purpose of instituting provident funds, pension fund and deposit linked insurance fund for employees working in factories and other establishments. The Act aims at providing social security and timely monetary assistance to industrial employees and their families when they are in distress and/or unable to meet family and social obligations and to protect them in old age, disablement, early death of the bread winner and in some other contingencies.

6.19 Presently, the following three Schemes are in operation under the Act through the Employees' Provident Fund Organisation:

- Employees' Provident Funds Scheme, 1952
- Employees' Deposit Linked Insurance Scheme, 1976
- Employees' Pension Scheme, 1995

Coverage of Establishments and Members:

6.20 Presently, the Act is applicable to 187 specified industries/classes of establishments as is specified in Schedule I of the Act or any activity notified by the Central Government in the Official Gazette and employing twenty or more persons. Apart from the provision for compulsory coverage, provision also exists under section 1(4) of the Act for voluntary coverage. As on 30.09.2013, there were 7,05,108 establishments and factories covered under the Act with a membership of 163.09 lakh under EPF Scheme, both in the Exempted and Un-exempted sectors.

With effect from 01.08.2001, an employee on joining the employment in a covered establishment and getting wages upto Rs.6,500/- is required to become a member of the fund.

Employees' Provident Funds Arrears

8.21 The arrears under all the schemes as on 31.12.2013 were of the order of Rs.175.65 crore. Out of this 81.74% pertains to not immediately realizable category being the amount locked in cases and where stay has been granted by the courts. In order to recover the arrears, the EPF Organisation takes various actions under the provisions of Section 8 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. It takes steps to get the stay orders vacated to recover arrears under the not realizable category. It also launches prosecution against the defaulting employers under section 14 of the Act and prosecutes employers under section 406/409 of the Indian Penal Code in case they deduct employee's share of contribution but do not remit the same to the Fund. During the year 2013-14, arrears amounting to Rs.1730.06 crore were realized out of a total workload of 8167.41 crore under both unexempted and exempted sector of establishments.

Service to Members

8.22 A member of the Employees Provident Fund Scheme is entitled to withdraw the amount lying in his account together with interest on quitting service. During the year 2013-14, 57.25 lakh EPF claims were settled. The scheme also provides for partial withdrawals from the Provident Fund Account to meet contingencies like illness, invalidation and also to provide financial assistance to discharge their social responsibilities like marriage of self, children or higher education of children and construction of dwelling house. At the end of a financial year a member is also entitled to receive annual statement of account indicating his balances. During the year 2013-14, 1350.68 lakh annual statement of accounts were issued. At the end of the year 70.09 lakh annual statement of accounts remained pending for issue.

Employees Deposit Linked Insurance Scheme, 1976 (EDLI)

8.23 Employees Deposit Linked Insurance Scheme, 1976 (EDLI) is applicable to all factories / establishments with effect from 1st August, 1976. All the employees, who are members of the Employees' Provident Fund Scheme, are required to become members of this Scheme. Employers are required to pay contributions to the insurance fund at the rate of 0.5 per cent of pay i.e., basic wages, dearness allowance including cash value of food concession and retaining allowance, if any. During the year 2013-14 (upto December, 2013), a sum of Rs.506.51 crore comprising of employers' contribution was deposited. During the year 2013-14, 2901 EDLI claims were settled. At the end of February, 2014, the EPFO had cumulative investments of Rs.13.62 crore under this Scheme.

Employees' Pension Scheme, 1995

8.24 The Employees' Pension Scheme, 1995 has been introduced w.e.f. 16.11.1995. With the introduction of the Pension Scheme, the erstwhile Employees' Family Pension Scheme, 1971, has ceased to operate. However, the pensioners who were drawing benefits under the erstwhile Employees' Family Pension Scheme, 1971 will continue to draw Family Pension under the Employees Pension Scheme, 1995.

Pension criteria

8.25 Members on attaining the age of 58 years and having rendered minimum ten years' contributory service (including the non-contributory period with revised Employees' Family Pension Scheme, 1971) shall qualify for superannuation pension. Those members who serve less than ten years' service shall be eligible for Scheme certificate or withdrawal benefit, as the case may be.

Benefits under the Scheme

8.26 The Employees' Pension Scheme, 1995 provides the following benefits to the members and their families:

- Monthly member pension
- Permanent total disablement pension
- Widow/ widower pension
- Children pension
- Orphan pension
- Nominee pension
- Pension to dependent parents.

6.27 The category-wise break up of pension claims (all benefits) settled by the Employees' Pension Fund Organisation during the year 2013-14 is enlisted in the following Table:-

Category of Claims	Number of Claims Settled
Monthly Pension Benefits	3.81 lakh
Life Assurance Benefit	49.81 lakh
Retirement-cum-withdrawal benefit	
Refunds	
TOTAL	53.62 lakh

Contribution to Pension Fund

6.28 The Scheme is financed by transferring 8.33% of the Provident Fund contributions from employers' share and by contribution @1.16% of basic wages of employees by the Central Government. All accumulations in the revised Employees' Family Pension Fund constitute the corpus of the Pension Fund. During the year 2013-14 (upto December, 2013), Rs.11,839.60 crore were received as Pension Fund Contributions from employers' share and Rs.1907.78 crore were contributed by the Central Government. As on 31.03.2014, the EPFO had cumulative investments of Rs.86,304.82 crore under the EPS Scheme.

Pension beneficiaries

6.29 The beneficiaries of the ceased Employees' Family Pension Scheme, 1971 continue to get benefits under the new employees' Pension Scheme, 1995. As on 31.03.2013, there were 2978860 member pensioners, 827507 spouses, 19651 parent pensioners, 609287 children pensioners, 13870 orphan pensioners and 6864 nominee pensioners receiving pension under the Scheme. Total amount disbursed among the pensioners during the year (April-December, 2013) was Rs.5,508.73 crore through the nationalised banks and post offices.

The Maternity Benefit Act, 1961

6.30 The Act was passed in September, 1961 and received its assent on 12th December, 1961. The Act regulates the employment of women in factories, mines, the circus industry, plantation units and shops or establishments employing 10 or more persons except the employees covered under the Employees State Insurance (ESI) Act, 1948 for certain periods before and after birth and provides for maternity and other benefits. It extends to the whole of India, except the State of Sikkim. It also provides for maternity leave and payment of certain monetary benefits to women workers subject to fulfilment of certain conditions during the period when they are out of employment on account of pregnancy. The services of a women worker cannot be terminated during the period of her absence on account of pregnancy except for gross misconduct. Maximum period for which a woman can get maternity benefit is twelve weeks. The Act has been amended in 2008. A medical bonus of Rs.3,500/- is being provided from 19.10.2011 under the Act.

The Payment of Gratuity Act, 1972

Objective

6.31 The Payment of Gratuity Act, 1972 provides for a scheme of compulsory payment of gratuity to employees engaged in factories, mines, oil-fields, plantations, ports, railway companies, motor transport undertakings, shops or other establishments on the termination of his employment after he has rendered continuous service for not less than five years on his superannuation, or on his retirement or resignation, or on his death or disablement due to accident or disease. Provided that the completion

of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement. Payment of Gratuity is an employer's liability under the extant provisions of the PG Act.

Coverage

- Every factory, mine, oil field, plantation, port and Railway Company
- Every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed or were employed on any day of the preceding twelve months.
- Every motor transport undertaking in which ten or more were employed on any day of the preceding twelve months.
- Such other establishments or class of establishments in which ten or more employees are employed or were employed on any day of the preceding twelve months as the Central government may by notification, specify in this behalf.

6.32. Area or establishment once covered shall continue to be covered notwithstanding that the number of persons employed therein at any time falls below ten.

Entitlement

6.33. Every employee, other than apprentice irrespective of his wages is entitled to receive gratuity after he has rendered continuous service for five years or more. Gratuity is payable at the time of termination of his service either:-

- on superannuation or
- on retirement or resignation or
- on death or disablement due to accident or disease.

6.34. Termination of services includes retrenchment. However, the condition of five years' continuous service is not necessary if services are terminated due to death or disablement. In case of death of the employee, the gratuity payable to him is to be paid to his nominee, and if no nomination has been made, then to his heirs.

Calculation of Benefits

6.35. For every completed year of service or part thereof in excess of six months, the employer pays gratuity to an employee at the rate of fifteen days' wages based on the rate of wages last drawn. As per section 4(3) of the Act, the amount of the gratuity payable to an employee shall not exceed Rs.10,00,000/-.

Administration

6.36. The Act is enforced both by the Central and State Governments. Section 3 authorises the appropriate government to appoint any officer as a controlling authority for the administration of the Act. Mines, major ports, oilfields, railway companies and establishment owned or controlled by the Central Government and establishment having branches in more than one State are controlled by the Central Government. The remaining factories and establishments are looked after by the State Governments.

6.37. The Central / State Governments appoint the Controlling Authorities and Inspectors for different areas, to ensure that the provisions of the Act are complied with. The Central/State Governments also frame rules for administration of the Act. In Maharashtra, the labour courts in fifteen localities are notified as Controlling Authority for the administration of the Act. In pursuance to a judgment of Hon'ble Supreme Court, the Payment of Gratuity (Amendment) Bill, 2009 to amend the definition of 'employee' under section 2 (e) of the act in order to cover the teachers in educational institutions retrospectively i.e. with effect from 3rd April, 1997, i.e. the date of notifying the educational institutions under the Act, has been notified on 31.12.2009. Also, in order to increase the ceiling on amount of gratuity from Rs.3.50 lakh to Rs.10 lakh, amendment to the Payment of Gratuity Act, 1972 has been made w.e.f. 24.05.2010.

Table 6.1

Sl. No.	State	Place
01.	Andhra Pradesh	Nacharam, Hyderabad
02.	Andhra Pradesh	S.V. Nagar
03.	Assam	Sonari
04.	Bihar	Phulwarisharif
05.	Chandigarh UT	Chandigarh
06.	NCT Delhi	Rajokri
07.	NCT Delhi	Jhilmil
08.	NCT Delhi	Okhla
09.	NCT Delhi	Rohini
10.	Gujarat	Bapu Nagar, Ahmedabad
11.	Gujarat	Nanda
12.	Gujarat	Vapi
13.	Haryana	Gurgaon
14.	Haryana	Manesar
15.	Himachal Pradesh	Baddi
16.	Jammu	Bari Brahmna
17.	Jharkhand	Ranchi
18.	Jharkhand	Adityapur
19.	Karnataka	Peenya, Bangalore
20.	Karnataka	Dharwad
21.	Kerala	Aanamalai, Kollam
22.	Kerala	Udyogamandal
23.	Kerala	Kakkanad
24.	Kerala	Kanjikode
25.	Maharashtra	Andheri, Mumbai
26.	Madhya Pradesh	Nanda Nagar, Indore
27.	Odisha	Rourkela
28.	Punjab	Ludhiana
29.	Rajasthan	Bhiwadi
30.	Rajasthan	Jaipur
31.	Tamil Nadu	Kilpauk, Chennai
32.	Tamil Nadu	Tirunelveli
33.	Uttar Pradesh	Noida
34.	West Bengal	Joka, Kolkata
35.	Haryana	Faridabad

ESI Medical Infrastructure (As on 31.03.2013)	
ESI Hospitals (Nos.)	157
Beds available in ESI Hospitals (Nos.) (including Annexes & reserved beds)	22602
Reserve Beds in State Government Hospitals	2966
Medical Officers including Specialist	1958 (in position)
ESI Dispensaries/ISM Units	1554 / 127
Panel Clinics	1224

7

LABOUR WELFARE

7.1 The Government has provided social security cover to most of the workers in the organised sector through the Employees Provident Fund Organisation (EPFO) and Employees State Insurance Corporation within the legal framework. However, by and large, no such model security cover has been provided to the workers in the unorganised sector who constitute 93% of the total work force. The concept of Labour Welfare Fund was, therefore, evolved in order to extend a measure of social assistance to workers in the unorganised sector. Towards this end, separate legislations have been enacted by Parliament to set up the Welfare Funds to be administered by Ministry of Labour & Employment to provide housing, medical care, educational and recreational facilities to workers employed in beedi industry, certain mica-cum mines, and iron ore workers.

7.2 The scheme of Welfare Funds is outside the framework of specific employer and employee relationship in, as much as the resources are raised by the Government on a non-contributory basis and delivery of welfare services effected without linkage to individual workers contribution. Welfare funds, which follow a sectoral approach, are in addition to a large number of various other poverty alleviation and employment generation programmes, which follow a regional approach and for which most of these workers are eligible.

LABOUR WELFARE FUNDS

7.3 The Ministry of Labour & Employment is administering five Welfare Funds for beedi, mica and certain categories of non-coal mine workers. The Funds have been set up under the following Acts of Parliament for the welfare of these workers:-

- The Mica Mines Labour Welfare Fund Act, 1946.
- The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972.
- The Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976.
- The Beedi Workers' Welfare Fund Act, 1976 and
- The Cine Workers' Welfare Fund Act, 1981.

7.4 The Acts enable the Central Government to meet the expenditure incurred in connection with measures and facilities which are necessary or expedient to promote the welfare of such workers. In order to give effect to the objectives laid down in the above Acts, various welfare schemes have been formulated and are under operation in the fields of Health, Social Security, Education, Housing, Recreation and Water Supply.

7.5 Ministry of Labour and Employment has initiated action for rehabilitation of the beedi workers to provide them alternate source of employment for viable alternative sources of livelihood as there is apprehension among Beedi Manufacturers / Beedi Workers Associations that employment may be reduced in beedi industry due to the labeling the pictorial warning on beedi bundles specified under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. Hon'ble Minister for Labour & Employment has laid Foundation Stone of 10 bedded Hospital for Beedi Workers at Yadgiri (Karnataka) on 10.07.2012. LEM has inaugurated the 10 bedded Hospitals for Beedi workers at Nanda, Karim Nagar District, Hyderabad on 15.06.2012. Under the Education Scheme, and instructions have been issued to all Welfare Commissioners to

pay the scholarship through Savings Bank Accounts.

7.6 The Revised Integrated Housing Scheme (RIHS) 2005, effective from 1st April, 2007 was approved by the Ministry of Finance, Department of Expenditure. Under the amended scheme, the workers' contribution of Rs.5,000/- is deposited only after the administrative approval granted by the Ministry. The 1st instalment of Rs.20,000/- as advance subsidy, is released after receipt of workers' contribution. The subsidy is released by the Director General Labour Welfare (DGLW) in 3(three) lots, in two equal instalments to (a) Welfare Commissioner of the region concerned, in case construction of a house by the worker individually, (b) Co-operative Group Housing Society of workers for construction of houses under Group Housing Scheme (GHS), and (c) State Government concerned for construction of houses under the Economically Weaker Section (EWS) component of the Scheme.

7.7 The 1st instalment of Rs.20,000/- per sanctioned per worker, as advance subsidy, would be released by the DGLW at the time of grant of administrative approval for the purpose of construction of the house till roof level. The balance of 50% i.e. 2nd instalment of Rs.20,000/- of the total subsidy would be released when 50% progress i.e. construction reaching at roof level is reported to the DGLW for the purpose of completion of construction in all respects. Details of houses sanctioned during last three years under the Revised Integrated Housing Scheme (RIHS) are as under:

Financial Year	Number of Houses sanctioned for which subsidy released	Expenditure (Rupees in crore)
2010-11	3667	12.84
2011-12	3183	15.91
2012-13	1819	21.83

7.8 A special drive to close down all erstwhile Integrated Housing Schemes, 1986, 2001 & 2004 was launched during 2007-08 under the direct supervision and personal monitoring of Shri ILAV. All previous cases have been settled and outstanding subsidy in respect of remaining houses is being released during the current year. Besides, concerted efforts are being made to settle cases sanctioned from 2005-06 to 2007-2008 under RIHS, 2005 during the current year. Due to the sincere efforts made by the officers of the Ministry, Utilization Certificates of Rs.35 Crore for the houses under Economically Weaker Sector sanctioned during 1985-86 to 1994-97 have been obtained from the Government of Andhra Pradesh.

7.9 The Labour Welfare Organization which administers these Funds is headed by a Director General (Labour Welfare). He is assisted by the Welfare Commissioner (Headquarters) who supervises nine Regional Welfare Commissioners for the purpose of administration of these Funds in the States. The jurisdiction of each Welfare Commissioner has been shown in the Table 7.1.

ADVISORY COMMITTEES AND THEIR MEETINGS

7.10 To advise the Central Government on matters related to administration of the above Funds, bipartite Central Advisory Committees have been set up under the respective Welfare Fund Acts. These Committees are headed by a Chairman nominated by Union Labour and Employment Minister. The Central Advisory Committee on Beedi Workers Welfare Fund and Cine Workers Welfare Fund have 21 members, 7 each from Central Government, Employers' Organisations, and Employees' Organisations respectively and Central Advisory Committee on Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund and Limestone & Dolomite Mines Labour Welfare Fund have 18 members, 6 each from Central Government, Employers' Organisations, and Employees' Organisations respectively excluding the Chairman and Secretary.

7.11 In the year 2012-2013, the meetings of Central Advisory Committee on the Cine Workers Welfare Fund, Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines Labour Welfare Fund and Limestone & Dolomite Mines Labour Welfare Fund were held on 12.09.2012, 18.09.2012 and 06.06.2013 respectively. In the year 2013-14 the meetings of Sub-Committee under the Central Advisory Committee on Beedi Workers Welfare Fund was held on 14.03.2013.

LEVY OF CESS

7.12 Labour Welfare Funds are financed out of the proceeds of the cess levied under the respective Cess/Fund Acts on manufactured beedis, textile fibre, export of hides, consumption of limestone & dolomite and consumption and export of iron ore, manganese ore & chrome ore as per the rates given below:-

- Beedi Workers Welfare Cess Act, 1976 provides for levy of cess by way of excise duty on manufactured beedis from Re.1/- to Rs.5/- per thousand manufactured beedis. This is presently Rs.5/- per thousand manufactured beedis w.e.f. 01.04.2006.

- The Cine Workers Welfare Cess Act, 1981 provides for duty of cess, at such rate not being less than one thousand rupees and not exceeding Ninety thousand rupees, on every feature film submitted to the Chairman, Central Board of Film Certification. This is Rs.20,000/- per feature film of Hindi and English and for regional films it is Rs.10,000/- per film w.e.f. 20.04.2001.

- The Iron Ore, Manganese Ore & Chrome Ore Mines Labour Welfare Cess Act, 1976 provides for levy and collection of cess on Iron Ore, Manganese Ore & Chrome Ore between paise 50 to Rs.1/-, Rs.1/- to Rs.6/- and Rs.3/- to Rs.6/- respectively. The rate of cess is Rs.1/- per MT on Iron Ore. The rate of cess is Rs 4/- per MT on Manganese Ore and Rs 5/- per MT on Chrome Ore w.e.f. 11.05.2001.

- The Limestone and Mines Labour Welfare Fund Act, 1972 provides for the levy and collection of cess on Limestone and Dolomite as a duty of excise at such rate not exceeding one rupee per metric tone of limestone & dolomite. The rate of cess on Limestone and Dolomite is Re.1/- w.e.f. 27.12.2006.

- Mica Mines Labour Welfare Fund Act, 1946, provides for levy and collection of cess on all mica exported as duty of Customs not exceeding 6.25% ad valorem. This is 1.0% ad-valorem on export w.e.f. 01.11.1995.

7.13 Progress under Welfare Funds, in brief, are given in **Table-7.3**.

Table 7.1

WELFARE COMMISSIONERS AND THEIR JURISDICTION

Sl. No.	Name of Region	States Covered
01.	Welfare Commissioner, Allahabad	Uttar Pradesh, Himachal Pradesh, Punjab, Jammu & Kashmir and Uttarakhand
02.	Welfare Commissioner, Bangalore	Karnataka & Kerala
03.	Welfare Commissioner, Ajmer	Gujarat, Rajasthan & Haryana
04.	Welfare Commissioner, Bhubaneswar	Orissa
05.	Welfare Commissioner, Kolkata	West Bengal, Assam, Tripura & Meghalaya
06.	Welfare Commissioner, Hyderabad	Tamil Nadu & Andhra Pradesh
07.	Welfare Commissioner, Jabalpur	Madhya Pradesh and Chhattisgarh
08.	Welfare Commissioner, Ranchi	Bihar and Jharkhand
09.	Welfare Commissioner, Nagpur	Maharashtra & Goa

TABLE 7.3

WELFARE FUNDS COLLECTION AND EXPENDITURE

(Rupees in thousands)

		2012-13	2013-14 (Upto July 2013)
Coal Workers Welfare Fund			
Utilization of Welfare Funds		[illegible]	[illegible]
Cess Collection		[illegible]	[illegible]
Expenditure	Health	[illegible]	[illegible]
	Housing	[illegible]	[illegible]
	Education	[illegible]	[illegible]
	Recreation	[illegible]	[illegible]
Limestone & Dolomite Mines Labour Welfare Fund			
Utilization of Welfare Funds		[illegible]	[illegible]
Cess Collection		[illegible]	[illegible]
Expenditure	Health	[illegible]	[illegible]
	Housing	[illegible]	[illegible]
	Education	[illegible]	[illegible]
	Recreation	[illegible]	[illegible]
IOMC Mines Labour Welfare Fund			
Utilization of Welfare Funds		[illegible]	[illegible]
Cess Collection		[illegible]	[illegible]
Expenditure	Health	[illegible]	[illegible]
	Housing	[illegible]	[illegible]
	Education	[illegible]	[illegible]
	Recreation	[illegible]	[illegible]
Mica Mines Labour Welfare Fund			
Utilization of Welfare Funds		[illegible]	[illegible]
Cess Collection		[illegible]	[illegible]
Expenditure	Health	[illegible]	[illegible]
	Housing	[illegible]	[illegible]
	Education	[illegible]	[illegible]
	Recreation	[illegible]	[illegible]
Iron Workers Welfare Fund			
Utilization of Welfare Funds		[illegible]	[illegible]
Cess Collection		[illegible]	[illegible]
Expenditure	Health	[illegible]	[illegible]
	Housing	[illegible]	[illegible]
	Education	[illegible]	[illegible]
	Recreation	[illegible]	[illegible]

6.1 The term 'unorganised worker' has been defined under the Unorganised Workers' Social Security Act, 2008 as a home based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule-II of Act. i.e. The Employee's Compensation Act, 1923 (8 of 1923), The Industrial Disputes Act, 1947 (14 of 1947), The Employees' State Insurance Act, 1948 (34 of 1948), The Employees Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), The Maternity Benefit Act, 1961 (53 of 1961) and The Payment of Gratuity Act, 1972 (39 of 1972).

6.2 As per the survey carried out by the National Sample Survey Organisation in the year 2009-10, the total employment in both organised and unorganised sector in the country was of the order of 46.5 crore. Out of this, about 2.8 crore were in the organised sector and the balance 43.7 crore in the unorganised sector. Out of 43.7 crore workers in the unorganised sector, 24.6 crore workers were employed in agriculture sector, 4.4 crore in construction, and remaining were in manufacturing activities, trade and transport, communication & services. A large number of unorganised workers are home based and are engaged in occupations such as beedi rolling, agarbatti making, papad making, tailoring, and embroidery work.

6.3 The unorganised workers suffer from cycles of excessive seasonality of employment, lack of a formal employer- employee relationship and absence of social security protection. Several legislations such as the Employee's Compensation Act, 1923, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Contract Labour (Regulation and Prohibition) Act, 1970, Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 , and the Building and Other Construction Workers Welfare (Cess) Act, 1996 etc. are directly or indirectly applicable to the workers in the unorganised sector also.

6.4 The Ministry of Labour is also operating Welfare Funds for some specific categories of workers in the unorganised sector like beedi workers, cine workers and certain non-coal mine workers. The funds are used to provide various kinds of welfare activities to the workers in the field of health care, housing, education assistance for children, water supply etc.

6.5 The Government has launched Group Insurance Schemes such as the Janashree Bima Yojana for people living below or marginally above the poverty line and Aam Aadmi Bima Yojana for

landless rural households which also include workers in the unorganised sector. There are some employment oriented schemes like Swarnjayanti Gram Swarojgar Yojana (SGSY), Swarn Jayanti Shahari Rojgar Yojana(SJSRY) and Prime Minister's Employment Generation Programme (PMEGP), Mahatma Gandhi National Rural Employment Guarantee Act etc. which are benefiting unorganised sector workers.

COMPREHENSIVE LEGISLATION FOR WORKERS IN THE UNORGANISED SECTOR

6.6 In order to ensure welfare of workers in the unorganised sector, the Ministry of Labour & Employment has enacted the Unorganised Workers' Social Security Act, 2008. The Act has come into force with effect from 19.03.2009. Central Rules under the Act have been framed.

6.7 The Salient features of the Act are as under:

- ✓ Section (2) provides for the definitions, including those relating to unorganised worker, self-employed and wage worker.
- ✓ Section 3 (1) provides for formulation of schemes by the Central Government for different sections of unorganised workers on matters relating to (a) life and disability cover; (b) health and maternity benefits; (c) old age protection; (d) any other benefit as

may be determined by the Central Government.

- Section 3 (4) provides for formulation of schemes relating to provident fund, employment injury benefits, housing, educational schemes for children, skill upgradation, funeral assistance and old age homes by the State Governments.
- Section 4 relates to funding of the schemes formulated by Central Government.
- Section 5 envisages constitution of National Social Security Board under the chairmanship of Union Minister for Labour & Employment with Director General (Labour Welfare) as Member Secretary and 34 nominated members representing Members of Parliament, unorganised workers, employers of unorganised workers, civil society, Central Ministries and State Governments.
- Provision for adequate representation to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women in the Board has been made.
- The National Board would recommend the Central Government suitable schemes for different sections of unorganised workers; monitor implementation of schemes and advise the Central Government on matters arising out of the administration of the Act.
- Section 6 has provision for constitution of similar Boards at the State level.
- Section 7 relates to funding pattern of the schemes formulated by the State Governments.
- Section 8 prescribes record keeping functions by the District Administration. For the purpose, the State Government may direct (a) the Gram Panchayat in rural areas and (b) the Urban Local Bodies in urban areas to perform such functions.
- Section 9 provides for setting up of Workers' Facilitation Centre to (a) disseminate information on social security schemes available to them (b) facilitate registration of workers by the district administration and enrolment of unorganised workers.
- Section 10 provides for eligibility criteria for registration as also the procedure for registration under the Act.
- Sections 11-17 contain miscellaneous provisions for implementing the Act.

8.8 The Unorganised Workers' Social Security Rules, 2009 under the Act have been framed and the National Social Security Board was constituted on 16.06.2009. The National Board shall recommend social security schemes viz. life and disability cover, health and maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganised workers. The National Board has held six meetings so far and recommended extension of Rashtriya Swasthya Bima Yojana (RSBY), Janshree Bima Yojana (JBY) and Old Age pension to certain categories of unorganised workers.

8.9 Apart from the above, a Health Insurance Scheme namely, the 'Rashtriya Swasthya Bima Yojana' for BPL families (a unit of five) in Unorganised Sector was formally launched on 1st October, 2007. The scheme became operational from 1st April, 2008 and benefit under scheme started accruing to the beneficiaries. The benefits under the scheme include :

- Beneficiaries are entitled to smart card based cashless health insurance cover of Rs.30,000 per family per annum on a family floater basis.
- Coverage of all pre-existing diseases.
- Coverage of hospitalisation expenses, including maternity benefit.
- Payment of transportation cost of Rs.100/- per visit.

8.10 Till 31.03.2014, the RSBY is being implemented in 26 States/ UTs and 3.69 crore smart cards have been issued. RSBY has been extended to building and other construction workers registered under the Building and other Construction Workers (Regulation of Employment

and Condition of Service) Act, 1966 and street vendors, beedi workers, domestic workers and MGNREGA beneficiaries who have worked for more than 10 days during the preceding financial year and domestic workers.

8.11 With a view to providing death and disability cover to rural landless households between age 18-59 years, the Aam Aadmi Bima Yojana has also been launched on 2nd October, 2007. Under the scheme, the head of the family or one earning member in the family will be insured. The Central Government will bear 50% of the premium of Rs.200/- per year per person and the remaining 50% of the premium will be borne by State Government. The benefits under the scheme includes a cover of Rs.30,000 in case of natural death and Rs.75,000 in case of death due to accident or total permanent disability (loss of two eyes or two limbs or loss of one eye and one limb in accident). In case of partial permanent disability (loss of one eye or one limb in an accident), the insurance cover would be Rs.37,500/-. The Scheme also envisages an additional benefit of providing scholarship upto a maximum of two children of beneficiary studying in 9th to 12th Standard at the rate of Rs.100/- per quarter per child. More than 4.03 crore lives were covered under AABY as on 31.03.2013.

8.12 The Government of India have revised the National Old Age Pension Scheme . The new Scheme "Indira Gandhi National Old Age Pension Scheme(IGNOAPS)" was launched on 19.11.2007. Old age pension is now provided not only to aged destitutes but to all citizens above the age of 60 years, and living below the poverty line. For persons above the age of 80 years the amount has been raised from Rs.200/- to Rs.500/- per month. The States have been asked to top up with the Central Government per capita grant of Rs.200/- per month. More than 2.27 crore persons have been covered upto 31.10.2012.

8.13 To encourage the workers from the unorganised sectors to voluntarily save for their retirement and to meet the cost of operations of the New Pension Scheme (NPS) for such subscribers, the Central Government launched a co-contributory pension scheme called "Swavalamban" on 25.08.2010. The Government of India contributes a sum of Rs.1,000/- to each eligible NPS subscribers who contributes a minimum of Rs.1,000/-, and maximum of Rs.12,000/- per annum under the 'Swavalamban' Scheme. Government's contribution @ Rs.1,000/- is available for the years till 2016-17 for all accounts opened till 2012-13. The scheme is likely to benefit around 75 Lakh workers from the unorganised sector by the year 2016-17. Till 19.11.2012 more than 11.28 lakh enrolment has been done under "Swavalamban".

THE BUILDING AND OTHER CONSTRUCTION WORKERS

8.14 The construction workers constitute one of the largest categories of workers in the unorganised sector. According to the Sample Survey conducted by NSSO in 2009-10, about 4.45 crore workers are employed in the construction activities. The Government has enacted the following two legislations for the construction workers :-

- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.
- The Building and Other Construction Workers' Welfare Cess Act, 1996.

8.15 Further, the Building and Other Construction Workers (RECS) Central Rules, 1998 have been notified on 19.11.1998.

8.16 The Act is applicable to every establishment which employs 10 or more workers in any building or other construction work and to the projects cost of which is more than Rs.10 lacs. There is also provision of constitution of Central and the State Advisory Committees to advise the appropriate Governments on matters arising out of administration of the law besides constitution of Welfare Boards by the State Governments and registration of beneficiaries under the Fund and provision for their identity cards etc. These legislations provide for regulating the employment and conditions of service, safety and health and welfare measures for the construction workers by setting up a Welfare Fund at the State level to be financed by contribution made by beneficiaries, levy of cess

on all construction works of rates between 1 to 2% of the construction cost incurred by an employer (the Government has notified the rates @ 1%). The Fund is to be used for providing financial assistance to the families of beneficiaries in case of accident, old age pension, housing loans, payment of insurance premia, children's education, medical and maternity benefits, etc.

6.17 Most of the State Governments and Union Territories have constituted State Welfare Boards. The Government of Tamil Nadu has been implementing its own Act. So far an amount of Rs.8127.34 crore approximately has been collected as Cess by the State Governments and Union Territories and an amount of Rs.1087.34 crore has been spent on welfare schemes formulated by them.

SPECIAL GROUP

6.18 In pursuance of the directions given by the Prime Minister's Office, a Special Group under the Chairmanship of Secretary (L&E) was constituted in September, 2004 to review and monitor the implementation, inter-alia, of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The Group has held twenty-six regional meetings with the representatives of State Governments/Union Territories in various States.

MIGRANT WORKERS AND THE INTER-STATE MIGRANT WORKMEN

6.19 According to the 2001 Census, 314.54 million persons have changed their place of residence within the country and out of this, 29.90 million or 9% have left their place for work. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted to protect the rights and safeguard the interests of migrant workers.

6.20 The Act regulates the employment of inter-state migrant workmen and provides for their conditions of service. It applies to every establishment and the contractor who employ five or more inter-state migrant workmen. The Act has provision for issue of Pass-Book to every inter-state migrant workmen with full details, payment of displacement allowance equivalent to 50% of monthly wages or Rs.75/- which ever is higher, payment of journey allowance including payment of wage during the period of journey, suitable residential accommodation, medical facilities and protective clothing, payment of wages, equal pay for equal work etc.

6.21 The main responsibility for enforcement of the provision of the Act lies with the Central and the State Governments / Union Territories in the establishment falling in the Central and State Sphere respectively.

6.22 The problem of migration is sought to be checked through a multi dimensional course of action through rural development, provision of improved infrastructural facilities, equitable dispersal of resources to remove regional disparities, employment generation, land reforms, increased literacy, financial assistance etc. In order to generate better employment opportunities at State level, the Government have launched a number of schemes like Swarnjayanti Gram Swarozgar Yojna (SGSY), Pradhan Mantri Gram Sadak Yojana (PMGSY), Sampoorna Gramin Rozgar Yojana (SGRY), National Food For Work Programme (NFFWP), Indira Awaas Yojna (IAY), Integrated Wastelands Development Programme (IWDP), Drought Prone Areas Programme (DPAP), Desert Development Programme (DDP) etc. Further, the Government have also enacted the National Rural Employment Guarantee Act to provide 100 days guaranteed employment to rural households.

6.23 Ministry of Labour & Employment and State Governments of Andhra Pradesh and Orissa have signed an MoU in June 2012 to facilitate strengthening of Inter-State Coordination Mechanism for smooth implementation of the activities in source and destination areas of migrant workers. Similar MoU is being proposed among the State Governments of Uttar Pradesh, Bihar, Jharkhand and Chhattisgarh.

9.1 The Bonded Labour System stands abolished throughout the country with effect from 25.10.1975 with the enactment of Bonded Labour System (Abolition) Act, 1976. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It made the practice of bondage a cognizable offence punishable by law.

9.2 The Act is being implemented by the State Governments concerned. Salient features of the Act are given below:

- On commencement of this Act, the bonded labour system stood abolished and every bonded labourers stood freed and discharged free from any obligation to render bonded labour.
- Any custom, agreement or other instrument by virtue of which a person was required to render any service as bonded labour was rendered void.
- Liability to repay bonded debt was deemed to have been extinguished.
- Property of the bonded labourer was freed from mortgage etc.
- Freed bonded labourer was not to be evicted from homesteads or other residential premises which he was occupying as part of consideration for the bonded labour.
- District Magistrates have been entrusted with certain duties and responsibilities for implementing the provisions of the Act.
- Vigilance committees are required to be constituted at district and sub-divisional levels.
- Offences for contravention of provisions of the Act are punishable with imprisonment for a term, which may extend to three years and also with fines, which may extend to two thousand rupees.
- Powers of Judicial Magistrates are required to be conferred on Executive Magistrates for trial of offences under the Act. Offences under this Act could be tried summarily.
- Every offence under the Act is cognizable and bailable.

Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour

9.3 With a view to supplementing the efforts of the State Governments, a Centrally Sponsored Plan Scheme for rehabilitation of bonded labour was launched by this Ministry in May, 1978. Under the Scheme, State Governments are provided Central assistance on matching grant (50:50) basis for the rehabilitation of bonded labour. The said Plan Scheme has been financially modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour, awareness generation activities and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/- per identified bonded labour to Rs.20,000/-per identified bonded labour. Further, in the case of North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution. A sum of Rs. 6100.12 Lakh has been released under the scheme to the State Governments upto 31.03.2014 for rehabilitation of 3,79,388 bonded labourers.

9.4 Besides, the State Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes such as, Swarnjayanti Gram Swa-Rojgar Yojana (SGSRY), Special Component Plan for Scheduled Castes, Tribal Sub-Plan etc. Accordingly, the rehabilitation

package provided by the concerned State Governments for the freed bonded labourers includes the following major components:

- Allotment of house-site and agricultural land;
- Land development;
- Provision of low cost dwelling units;
- Animal husbandry, dairy, poultry, piggery etc.;
- Training for acquiring new skills/ developing existing skills;
- Wage employment, enforcement of minimum wages etc.;
- Collection and processing of minor forest products;
- Supply of essential commodities under targeted public distribution system;
- Education for children; and
- Protection of civil rights.

Special Group

6.6 A Special Group has been constituted under the Chairmanship of the Secretary (Labour and Employment) to review the implementation of the Bonded Labour System (Abolition) Act, 1976. The Special Group has so far held twenty-one region-wise meetings with the representatives of the State Governments / Union Territories in various States.

Role of The National Human Rights Commission

6.6 The Apex Court in its Order dated 11.11.1997 in PUDL Vs. State of Tamil Nadu & Others has directed that the National Human Rights Commission (NHRC) is to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order, a Central Action Group has been constituted in the NHRC. The group, with the collaboration of the Ministry of Labour & Employment, is holding sensitization workshops on bonded labour at State Headquarters to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour.

6.7 A pilot project was launched with the ILO in Tamil Nadu for the purpose of reducing vulnerability to bondage through promotion of decent work. Efforts are now being made to extend the project to the States of Andhra Pradesh, Odisha and other service States.

10

CONTRACT LABOUR

10.1 Contract labour generally refers to workers engaged by a contractor for user enterprises. It is a significant and growing form of employment. These workers are millions in number and are engaged primarily in agricultural operations, plantation, construction industry, ports & docks, oil fields, factories, railways, shipping, airlines, road transport etc.

10.2 The Contract Labour (Regulation and Abolition) Act, 1970 was enacted to protect and safeguard the interests of these workers. It applies to every establishment / contractor in which 20 or more workmen are employed. It also applies to establishment of the Government and local authorities.

10.3 The Central Government has jurisdiction over establishments like railways, banks, mines etc. and the State Governments have jurisdiction over units located in that State.

10.4 The Central Government and State Governments, in their capacity as "appropriate" Governments, are required to set up Central and State Advisory Contract Labour Boards to advise respective Governments on matters arising out of the administration of the Act as are referred to them. The Boards are authorized to constitute Committees as deemed appropriate.

10.5 The Central Advisory Contract Labour Board (CACLB) is a Statutory Body, tripartite in constitution and quasi-judicial in nature. The non-official members hold office for a term of three years. Till date, 80 meetings of the Central Advisory Contract Labour Board have been held.

10.6 So far, 84 notifications have been issued u/s 10 of the Act assessing employment of contract labour in specified establishments in consultation with the Central Advisory Contract Labour Board.

10.7 Every establishment and contractor to whom the Act applies, has to register (certificate of Interim for execution of the contract work. The interests of contract workers are protected in terms of wages, hours of work, welfare, health and social security. The amenities to be provided to contract labour include canteen, rest rooms, first aid facilities and other basic necessities at the work place like drinking water etc. The responsibility to ensure payment of wages and other benefits is primarily that of the contractor, and, in case of default, that of the principal employer.

10.8 17 notifications have been issued u/s 31 of the Act granting exemption to establishments from the purview of the Act.

10.9 In the Central sphere, the Central Industrial Relations Machinery (CIRM) headed by Chief Labour Commissioner (Central) and his officers have been entrusted with the responsibility of enforcing the provisions of the Act and the rules made thereunder.

11

WOMEN AND WORK

Profile of women workers

11.1 Women form an integral part of the Indian workforce. According to the information provided by the office of Registrar General & Census Commissioner of India, As per Census 2011, the total number of female workers in India is 149.8 million and female workers in rural and urban areas are 121.0 and 28.8 million respectively. Out of total 149.8 million female workers, 35.8 million females are working as cultivators and another 61.3 million are agricultural labourers. Of the remaining female workers, 8.8 million are in household industry and 43.7 million are classified as other workers.

11.2 As per Census 2011, the work participation rate for women is 25.51 percent as compared to 25.63 per cent in 2001. The Work Participation Rate of Women has reduced marginally in 2011 but there is an improvement from 22.27 per cent in 1991 and 18.87 per cent in 1981. The work participation rate for women in rural areas is 30.02 per cent as compared to 16.44 per cent in the urban areas.

11.3 In so far as the organised sector is concerned, in March, 2011 women workers constituted 25.6 percent of total employment in organised sector in the country which is higher by 0.1 percent as compared to the preceding year. As per the last Employment Review by Directorate General of Employment & Training (DGE&T), on 31st March, 2011, about 68.64 lakh women workers were employed in the organised sector (Public and Private Sector). Of this, nearly 32.14 lakh women were employed in community, social and personal service sector.

Protection of the interest of women workers

11.4 Formulation and coordination of policies and programmes for the female labour force within the frame work of national manpower and economic policies.

- Maintaining liaison with other Government agencies to ensure effective implementation of the programmes in respect of women workers.
- Monitoring the implementation of the Equal Remuneration Act,1976.
- Setting up of an Advisory Committee under the Equal Remuneration Act,1976.
- Giving grants-in-aid to Non-Government Organisations/Voluntary Organisations to formulate and execute action oriented projects for women workers especially in respect of their legal rights and duties.

11.5 The Government has taken several steps for creating a congenial work environment for women workers. A number of protective provisions have been incorporated in the various Labour Laws. These are elaborated in Box 11.1.

11.6 The ILO Convention No.100 of 1951 relating to equal remuneration for men and women was ratified by the Government of India in the year 1958. To give effect to the Constitutional provisions and also to ensure the enforcement of ILO Convention No.100, the Equal Remuneration Act was enacted in 1976.

Equal Remuneration Act, 1976

11.7 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 and also prevent discrimination against women employees while making recruitment for the same work or work of similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer. The provisions of

the Act have been extended to all categories of employment. The Act is implemented at two levels viz. Central level and State level. At the Central sphere, the enforcement of the act is entrusted to the Chief Labour Commissioner (Central) who heads the Central Industrial Relations Machinery (CIRM).

11.8 The following social welfare organisations have been recognized under the Equal Remuneration Act, 1976 for the purpose of filing complaints in Courts against employers for violation of the provisions of the Act.

- The Centre for Women's Development Studies, New Delhi.
- The Self Employed Women's Association, Ahmedabad.
- The Working Women's Forum(India), Chennai.
- The Institute of Social Studies Trust, New Delhi.

11.9 In cases where the State Government are "appropriate authorities", the enforcement of the provisions of Equal Remuneration Act is done by the officers of State Labour Departments. Many State/Union territories have appointed competent authorities under the Equal Remuneration Act, 1976 and have also set up Advisory Committees under the Act. Annual returns are called for by the special cell in the Ministry from the State Governments in order to monitor implementation of the Act. The State Governments/Union Territories are being advised from time to time to ensure more rigorous enforcement of the Act so as to improve the condition of women workers.

Central Advisory Committee (CAC)

11.10 A Central Advisory Committee (CAC) on Equal Remuneration Act, 1976 under the Chairmanship of Hon'ble MOS has been constituted to advise the Government on providing increasing employment opportunities for women and generally reviewing the steps taken for effective implementation of the Act. The Committee was last reconstituted vide Gazette notification dated 12/10/2010. The term of office of non-official members of the Committee is for two years. The reconstitution of the Committee is currently under way.

Grant-in-Aid Scheme for Women Labour

11.11 The Ministry is running Grant-in-aid Scheme for welfare of women labour. The scheme is being implemented through Non-Government Organisations (NGOs)/Voluntary Organisations (VOs) who are provided with 75% (90% in case of North-Eastern States) financial assistance of the total cost of the project for undertaking awareness generation campaigns to educate women labour about their rights and duties by conducting seminars and workshops. The focus of the Scheme is awareness generation among women labour, in the area of wages, like minimum wages, equal remuneration, etc. and to disseminate information on various schemes of Central/State Government Agencies available for the benefit of women labour.

11.12 The guidelines of the scheme has been revised with certain modifications. The major areas where modification has been made are:

- Research studies on women labour problems entrusted to various institutions will be funded in full i.e. 100%.
- Central/State Government organisations/ institutions/autonomous bodies are under the Act of Parliament/State Legislation or any Self Help Group created under Plan and Non-Plan Schemes of Central/State Government like Mahila Samakhya would be given preference and the extent of assistance to the organisations would be 100%.
- The assistance given to Voluntary and Non-Governmental Organisations belonging to North Eastern States would be limited to the extent of 95% of recurring cost of the project as per the approved budget.

- Financial assistance provided for organising camps/seminars/ workshops have been restricted to two per month and a maximum of twenty per year.

- Such camps/seminars/workshops should be for 50 women labourers in North-Eastern States and 100 in other States.

- The applicant should be in sound financial position and a minimum annual expenditure of recurring nature of Rs. 1,00,000/- should, inter-alia, be considered as an indicator of their financial soundness.

- The project proposal submitted through State Govt. as well as District Magistrate alongwith their recommendations will be considered by a Committee in the Ministry. Universities and organisations set up under Government of India programmes however can apply directly.

11.13 In order to give wide publicity to the Scheme, letters have been issued to State Labour Secretaries to encourage NGOs/VOs to spread awareness about the scheme especially among the women labour in unorganised sector and requested to forward project proposals of reputed NGOs/VOs as per guidelines of the scheme for consideration and sanction of Govt. in-aid. Simultaneously, Universities and Organisations set up under Central/State Govt. have also been requested to forward their project proposals for conducting research studies on problems and issues relating to women labour in informal and unorganised sector.

11.14 Number of women benefited under the scheme for the last three years is as under:

Year	Number of NGOs	Number of Women beneficiaries (Approx.)	Expenditure (Rupees in Lakh)
2010-11	27	25850	13.01
2011-12	36	50000	19.21
2012-13	19	19000	12.46
2013-14	11	9700	10.39

11.15 A Task Force in collaboration with ILO on promoting gender equality in the world of work under the Chairmanship of Joint Secretary (Women Labour) has been constituted on 18.10.2013. The Task Force is mandated to examine how the existing schemes for women workers can converge and study their effectiveness, strength as well as gaps in providing decent and productive employment opportunities for women. Representatives from Ministry of Labour & Employment, Ministry of Women & Child Development, Ministry of Rural Development , Ministry of Social Justice and Empowerment, International Labour Organisation, Xavier Labour Institute, ILO, INTUC, AITUC, BMS, CII, SCOPE, Institute of Social Studies Trust and Employers Federation of India are the members of Task force. The second meeting of Task Force was held on 18.03.2014 and third meeting was held on 24.10.2014.

Supreme Court Guidelines on Sexual Harassment of Women Workers

11.16 The Hon'ble Supreme Court of India, in the case of Writ Petition No.666-70 of 1992 filed by Vishaka & Ors. Vs State of Rajasthan & Ors. laid down certain guidelines for the prevention of sexual harassment of women employees in their work places. A number of initiatives have been taken to give effect to the guidelines. All Central Ministries / Departments, State Governments / U.Ts and CPSUs have been informed of the provisions contained in the Judgement. They have been asked to implement the guidelines laid down in the said Judgement. The Conduct Rule applicable to the officers of the Central Government and the All India Services has since been amended to give effect to the guidelines. The Industrial Employment (Standing Orders) Act, 1946 has also been amended to make the guidelines applicable to the employees in the Private Sector.

11.17 Ministry of Labour & Employment has also set up a Complaint Committee under the Chairpersonship of Smt. Nisha Bakshi, Deputy

GLC to deal with the complaints of sexual harassment of employees of this Ministry as well as its attached offices.

Women Access to Education and Skills/ Vocational Training

11.18 DGE&T is the nodal agency for providing vocational training in traditional and contemporary courses and certification to women to meet the trained skill workforce in the industry and service sector etc. in the country. These courses help women to achieve their career goals and become independent. The Women Vocational Training Programme is dedicated to planning and implementing long term policies related to women's vocational training in the country.

11.19 The institutional framework comprising 1[1] Institutes in the Central sector offer training courses to women to develop professional skills required to find suitable jobs/self employment and trained faculty position in ITIs etc. The institutes set up to impart training exclusively for women under the Women Vocational Training Programme are as under:

- National Vocational Training Institute (NVTI) for Women, NOIDA
- Regional Vocational Training Institutes (RVTIs) for Women at Mumbai, Bangalore, Thiruvananthapuram, Panipat, Kolkata, Tura, Allahabad, Imphal, Vadodara and Jaipur
- More over DTC was approved for setting up of new RVTIs in the States of Punjab, Himachal Pradesh, Tripura, Goa, Uttarakhand, Bihar, J&K and Tamil Nadu. These RVTIs would be operational by August, 2015

11.20 The National/Regional Vocational Training Institutes for women provide (i) Crafts Training Scheme (CTS) & (ii) Crafts Instructors Training Scheme (CITS) under modular pattern training programmes and Short term training courses, who have passed 10th or 12th standard and meet the specified eligibility criteria for various courses. The CTS courses are specially designed for ITI graduates. Apart from the regular courses, these institutes also organize short term courses as per the requirements for the industry. Short term courses include training in employable skills, preparation/use of Audio-visual aids etc. for general women, housewives, students and school drop-outs. More than 1,19,000 women have been trained since inception of Women Vocational Training Programme in 1977.

11.21 In the State sector, vocational training facilities exclusively for women at Craftsmen level are provided through a network of Women Industrial Training Institutes / ITCs and Women wings in general ITIs/ITCs under the administrative control of the State Governments. The Women's Training in DGE&T is responsible for policy matters, standards, revision of course curricula & implementation of new schemes. As per information furnished by the respective State Governments, there are about 1431 Women ITIs and women wings in general ITI/ITCs having a total of 82,260 training seats (as on December, 2013).

Training of Women Workers

11.22 In tune with Government of India's stress on empowering the unseen workers, special efforts were made by Central Board of Workers Education (CBWE) to have more participation of women workers in Board's various training programmes. During the year 2013-14 (upto December 2013), 15[1]167 women participated in Board's training programmes. Among 15[1]167 total women workers, 7[0]13 were from SC category and 2[1]27 from ST Category. The Board also conducts 9-days special training programmes for women workers in which only women participants of various categories in unorganised sector are enrolled. Till December, 2013, 589 such special programmes for women workers were conducted in which 19626 numbers of workers participated. The women are made aware about their rights and duties, and

provisions under various Labour Legislation in respect of women and child welfare and various other provisions of the Central and State Governments related to women for their upliftment of women and children i.e. on health and hygiene, total care, etc. Some of the Acts which are discussed during the programmes are:-

- The Beedi & Cigar Workers(Conditions of Employment) Act, 1966
- The Plantation Labour Act 1951
- The Contract Labour (Regulation & Abolition) Act, 1970
- The Employee's State Insurance (General) Regulation, 1950
- The Factories Act, 1948
- The Maternity Benefit Act, 1961
- The Equal Remuneration Act, 1976 etc.
- Un-organised Social Security Act, 2008
- The Employee's Compensation Act, 1923
- The Industrial Disputes Act, 1947

11.23 Besides this, the Indian Institutes of Workers Education, Mumbai has established a separate cell on "Women and Child Labour" and evolved advanced training programmes for the women activists who are members of the Central Trade Union Organisations and are involved in the upliftment and welfare of women and child labour in the country. From 1992-93 to December, 2010, 3680 women activists were trained in the various training programmes conducted by the Women and Child Labour Cell of IWEM.

11.24 The Board has been granted a special fund starting from 2011-12 for generating the awareness about MGNREGA Scheme in the rural sector. The women workers in this sector are being covered under the scheme.

Assistance to women job seekers

11.25 The Employment Exchanges take special care to cater to the job needs of women registered with them. For the period from Jan, 2012 to March, 2013, 76,140 women were placed in various employments.

Child Care Centres

11.26 Statutory provisions have been made in certain Labour laws for organising child care centres for the benefit of women workers. These include Factories Act,1948, the Beedi & Cigar Workers(Conditions of Employment) Act,1966 and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996. The Mines Crèche Rules, 1966 provide for establishment of crèches for the benefit of women workers. Under Plantation Labour Act, 1951 provision of crèche is mandatory in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed on any day of the preceding twelve months, or where the number of children of women workers is twenty or more.

Future Strategy

11.27 In the period of economic liberalisation and globalisation, the quality of women's employment will depend upon several factors. The foremost among these are access to education and opportunities for skill development. The activities has in creating awareness among women about their legal rights and duties and by providing them adequate opportunities to upgrade their skill levels. The emphasis has to be on effective enforcement of the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976. Proper enforcement of these Acts will create an enabling environment for women workers.

Employment of women – protective legal provisions

Name of the Enactment	Protective Provisions
1. The Beedi & Cigar Workers(Conditions of Employment) Act,1966	• Provision of crèches for the benefit of women workers in the industrial premises wherein more than fifty female employees are ordinarily employed.
2. The Plantation Labour Act,1951	• Provision of crèches in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or where the number of children of women workers (including women workers employed by any contractor) is twenty or more. • Definition of family has been made gender neutral so as to remove distinction between the family of male and female workers for availing dependent benefits. After amendment, family also includes dependent widow/widower of a female worker as well as male worker. • To cover all aspects of safety and occupational health of workers, specifically women and adolescents working in plantations, a new chapter pertaining to the use of handling, storing or transporting chemicals, insecticides and toxic substances used in the plantations has been added.
3. The Contract Labour (Regulation & Abolition) Act,1970	• Provision of crèches where twenty or more women are ordinarily employed as contract labour. • Female contract labour to be employed by any contractor between 6.00 AM to 7.00 PM with the exception of nurses and nurses in hospitals and dispensaries.
4. The Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act,1979	• Provision of crèches for the benefit of women workers in establishments wherein twenty or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for three months or more.
5. The Factories Act,1948	• Provision of crèches in every factory wherein more than

	thirty women workers are ordinarily employed. • Employment of women in factory is prohibited except between the hours of 6.00 A.M. to 7.00 P.M. However, in exceptional circumstances, employment of women is permitted upto 10.00 P.M. • Employment of women is also prohibited in certain factories involving dangerous manufacturing process or operations • No woman shall be allowed to clean, lubricate or adjust any part of prime mover while it is in motion • No woman shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work
6. The Mines Act,1952	• Employment in mines below ground prohibited. In any mine above ground women workers are permitted between the hours of 6 am and 7 pm. The Central Govt. may, by notification , vary the hours of employment above ground of women in respect of any mine or class or description of mine, so however that no employment of women between the hours of 10 pm and 5 am is permitted thereby. Further, women employed above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of next period of employment. Provision of separate toilets and washing facilities for women workers is also part of the Act.
7. The Maternity Benefit Act,1961	• Maternity benefits to be provided on completion of 80 working days. • Not required to work during six weeks immediately following the day of delivery or miscarriage. No work of arduous nature or which involves long hours of standing, or which is likely to interfere with pregnancy/normal development of foetus or likely to cause miscarriage or otherwise is extremely unfair health to be given to a woman worker for a period of one month immediately preceding the period of six weeks before expected delivery. • Rs.2000/- as medical bonus to be given when no prenatal confinement and post natal care is provided free of charge.
8. The Equal Remuneration Act,1976	• Payment of equal remuneration to men and women workers for same or similar nature of work prescribed under the Act. • No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.

9. The Employee's State Insurance (General) Regulation,1950	• Claim for maternity benefit becomes due on the date of issue of medical certificate of expected confinement or on the day six weeks preceding the expected date of confinement as certified, whichever is later, i.e. if no such certificate is issued, on the date of confinement. • Claim for maternity benefit becomes due on (Sickness Regulation 1950) the date of medical certificate issued for miscarriage, sickness arising out of pregnancy confinement or premature birth of child.
10 The Beedi Workers Welfare Fund Act,1976	• Appointment of women member in the Advisory and Central Advisory Committee is mandatory under the Acts at Sl. No.10-13
11. The Iron Ore Mines, Manganese Ore Mines and Chrome Or Mines Labour Welfare Fund Act,1976	
12. The Lime Stone and Dolomite Mines Labour Welfare Fund Act,1972	
13. The Mica Mines Labour Welfare Fund Act,1946	
14. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996	• Representation of a woman member on Building and other Construction Worker Welfare Boards. • Provisions for maternity benefit to female beneficiaries of the Welfare Fund. • Provision for crèches where more than 50 female construction workers are ordinarily employed.
15. The Industrial Employment (Standing Orders) Act 1946	• Provision regarding safeguards against sexual harassment of women workers at their work places.

12

CHILDREN AND WORK

INTRODUCTION

12.1 Government of India stands committed to the elimination of child labour in the country. Our Constitution provides for protection of children from involvement in economic activities and avocations unsuited to their age and like is provided for in the Fundamental Rights (Article 24) Directive Principles of State Policy in the Constitution also strongly reiterate this commitment.

12.2 Realizing the multifaceted nature of this problem, Government has evolved an holistic and multi-pronged approach to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and processes and progressively covering those working in other occupations also. On the one hand, it provides for legal action for enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour.

Legal Protection of Children at Work

12.3 As per the Child Labour (Prohibition & Regulation) Act, 1986, employment of children below the age of 14 years is prohibited in notified hazardous occupations and processes. The Act also regulates employment of children in non-hazardous occupations and processes. There are at present 15 hazardous occupations and 65 processes, where employment of children is prohibited. Some of the important prohibited occupations and processes are carpet weaving, building and construction work, brick kilns, production of hosiery goods, work as domestic servants, in tea-shops, road side eateries, shops/establishments, fishing, beverage industry, warehousing, etc. The Act also regulates the working conditions of children in other employments, which are not prohibited under the Child Labour (Prohibition & Regulation) Act, 1986 (Box 12.1).

Box 12.1

Constitutional Provisions

Article 21 A - Right to Education

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

Article 24 - Prohibition of employment of children in factories, etc.

No child below the age fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39

The State shall, in particular, direct its policy towards securing:-

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

12.4 The Act provides for constitution of a Child Labour Technical Advisory Committee which is a body of experts to advise the Central Government on inclusion of additional occupations and processes in the Schedule of the Act. The Committee consists of a Chairman and such other members, not exceeding 10, as may be appointed by the Central Government. The Government of India vide notification No.S.O.3468 (E) 09.10.2015 has added the

circulation of 'Circus' and 'Caring of Elephants' to the Part 'A' to the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986, thereby prohibiting employment of children in the aforesaid occupations/ processes.

12.5 Section 2 (i) of the Child Labour (Prohibition and Regulation) Act, 1986, defines the jurisdiction of both Central and State Governments in implementing the Act. The Central Government is the 'appropriate Government' in relation to establishments under the control of the Central Government or a railway administration or a major port or a mine or oilfield. In all other cases, the State Government is the 'appropriate Government'. Thus the onus of enforcement of the provisions of the Act lies primarily with the State Governments.

12.6 Under the Child Labour (Prohibition & Regulation) Act, 1986, during the last 5 years more than 19 lakh inspections were carried out, resulting in approximately 0.42 lakh prosecutions out of which about 7600 convictions were obtained.

12.7 As per 2001 census, the total number of working children between the age group 5-14 years in the country was 1.26 crore. However, in the Survey conducted by NSSO, in 2004-05 the numbers of working children was estimated at 90.79 lakh. As per NSSO survey 2009-10, the working children are estimated at 49.64 lakh which shows a declining trend.

12.8 As per the Global Report on Child Labour published by International Labour Organisation last year, the activity rate of children in the age group of 5-14 years is 9.8% in the world. In comparison to that, the activity rate of children in India, as per 2001 census was 5%. The 2011 census report on child labour is awaited.

National Child Labour Policy

12.9 Constitutional and legislative provisions providing protection to children against employment has been elaborated in the National Child Labour Policy announced in 1987. The policy addresses the complex issue of child labour in a comprehensive, holistic and integrated manner. The action plan under this policy is multi-pronged and mainly consists of:

(i) A legislative action plan;

(ii) Focusses on general development programmes for the benefit of the families of workers; and

(iii) Project-based action plan in areas of high concentration of child labour.

National Child Labour Project Scheme (NCLP)

12.10 For rehabilitation of child labour, Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 12 child labour endemic districts of the country. As on date the Scheme is sanctioned in 270 districts. The list of districts in which Special Schools for child labour sanctioned under NCLP Scheme is/ were operational is at Table 12.1.

12.11 Under the NCLP Scheme, children are withdrawn from work and put into special training centres, where they are provided with bridging education, vocational training, midday meal, stipend, health-care facilities etc. and finally mainstreamed to the formal education system. At present, there are around 8000 NCLP training centres being run in the country with an enrolment of approximately 2.85 lakh children. As on 31.12.2013, more than 10 lakh working children have already been rehabilitated to regular education system under the NCLP Scheme.

12.12 The NCLP scheme is a Central Sector scheme. Under the scheme, project societies are set up at the district level under the Chairpersonship of the Collector/ District Magistrate for overseeing the implementation of the project. Instructions to involve civil society and NGOs have also been issued.

Recent Initiatives of the Government towards Elimination of Child Labour

Convergence

12.13 Considering that the poverty and illiteracy are the root causes for child labour, Government

is following a multi-pronged strategy to tackle this problem. Educational rehabilitation of these children has to be supplemented with economic rehabilitation of their families so that they are not compelled by economic circumstances to send their children to work. The Government is taking various proactive measures towards convergence between the schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, etc. so that child labour and their families get covered under the benefits of the schemes of these ministries also.

Realignment of NCLP Scheme with Right to Education(RTE) Act, 2009

12.14 With the enactment of Right to Education Act, 2009, there has been a need for realignment of the NCLP Scheme with the provisions of RTE Act, 2009. Ministry of Human Resource Development vide their letter No. 15-4/2009-EE-I dated 02.07.2010 intimated that the NCLP Schools can serve as special training centers for un-enrolled and out of school children in accordance with the provisions of Section 4 of the RTE Act and Rule 5 of the Right of Children for free and compulsory education (RTE) Rules, 2010.

12.15 Government is also laying lot of stress on the enforcement of the Child Labour (Prohibition & Regulation) Act. To make the provisions of the Act more stringent, a Child Labour (Prohibition & Regulation) Amendment Bill was introduced in the Parliament in 2012 which inter-alia provides for a complete ban of employment of children upto the age of 14 years, linking the age of the ban on employment with the age for free and compulsory education under Right to Education Act, 2009, prohibition on employment of children upto 18 years in hazardous occupations etc. The penalties are also proposed to be increased. The Parliament Standing Committee has given its report on the proposed Amendment Bill and the same is under examination in the Ministry. The proposed amendments are in line with requirement for ratification of ILO Convention 138 and 182.

Tracking & Monitoring

12.16 The Ministry of Labour & Employment had set up a Working Group on Tracking and Monitoring of child labour to recommend an appropriate tracking and monitoring system for child labour covered under the NCLP Scheme. The Working Group has submitted its report in the month of September, 2011. The important aspects mentioned in the report are:

- developing a model Child Profile Card,
- tracking of 9-14 year old children be done by instructors / teachers of the special training schools and for children in the age group of 5-8 years be done by Education departments,
- the tracking of children should start from the time of their enrolment in special training schools till two years after their mainstreaming,
- data to be updated every quarter,
- to ensure accuracy and reliability of data, validation of child-wise tracking information by Panchayati Raj Institutions,
- allocation of additional funds to each NCLP district for purchase of computers and retraining of officials accordingly,
- the system be also used for project management.

Protocol on Migration & Trafficking of Children for Labour

12.17 Ministry of Labour& Employment is taking number of steps for rescue, safe repatriation and rehabilitation of migrant and trafficked child labour. Towards this end, a high level Committee was constituted under her Chairpersonship of the Secretary (L&E) with representatives from various Ministries of the Government of India and State Labour Departments and NGOs. A detailed protocol for prevention, rescue, repatriation, rehabilitation and re-integration of migrant and trafficked child labour has been issued as a guideline to be followed by the State Governments.