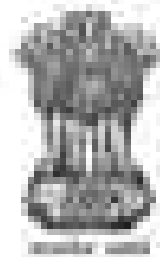


ANNUAL REPORT 2011 - 12



**Ministry of Labour and Employment
Government of India**

Website : <http://www.labour.nic.in>

CONTENTS

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	Name of Chapter	Page No.
01	Highlights of Important Activities	1-21
02	Organisational Structure & Functions	25-38
03	Industrial Relations-Central Industrial Relations Machinery (CIRM)	39-58
04	Productivity	61-66
05	Wages	69-88
06	Social Security	91-97
07	Labour Welfare	99-102
08	Unorganised Worker	103-108
09	Contract Labour	107-108
10	Contract Labour	111-112
11	Women & Work	113-118
12	Children & Work	117-118
13	Occupational Safety & Health	121-124
14	Workers Education	125-127
15	Plan & Non-plan Programmes	129-138
16	System of Industrial Courts & Industrial Tribunals	137-138
17	Labour Statutes	137-144
18	Labour Research & Training	145-151
19	Information Technology Initiatives / experiments	152
20	Science & Research in Public Enterprises	152-157
21	International Cooperation	162-177
22	Statistical Council of Employment & Training	178-188
23	Appraisal of SSC 7th	189-216
24	National Employment Service	216-218
25	Employment Assistance to Special Categories	221-225
26	Research & Training in Employment Service	227-233
27	Craftmen Training Scheme (CTS)	233-248
28	Apprenticeship Training Scheme	249-255
29	Advanced Training for Workers, Instructors, Industrial Management Personnel, Supervisors and Development of Instructors Module Packages Through Central Institute	267-278
30	Information Technology Initiatives in National Employment Service & National Vocational Training System	277
31	Plan Programmes of CSIR&T	279
32	Progressive use of Model CSIR&T	281-282
33	Gender Budgeting	282-285

INTERACTION

1.1 The Ministry of Labour & Employment is one of the oldest and important 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 organised and unorganised sectors, in harmony with the process of liberalisation. 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 far as is a subject in the Concurrent list under the Constitution of India.



Inauguration of the Prime Minister's Shree Awards for the years 2008, 2009 and 2010 on 13.10.2011

1.2 At present, there are 44 labour related statutes enacted by the Central Government dealing with minimum wages, accident 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 As per the survey carried out by the National Sample Survey Organisation in the year 2008-09, the total employment, in both organised and unorganised sectors in the country was of the order of 85.8 crore

comprising about 2.8 crore in the organised sector and the balance 43.7 crore workers in the unorganised sector. Out of 43.7 crore workers in the unorganised sector, there are 24.8 crore workers

employed in agricultural sector, about 4.4 crore in construction work and remaining in manufacturing and services.



Hon'ble Prime Minister addressing at the presentation ceremony of the Prime Minister's Shram Awards for the years 2008, 2009 and 2010 on 13.10.2011.

1.4 In order to ensure welfare of workers in the unorganised sector which, inter-alia, include weavers, handloom workers, fishermen and fisherwomen, petty traders, leather workers, plasterers, street food workers, the 'Unorganised Workers' Social Security Act, 2008 has been enacted. As per the provisions of the Act, a National Social Security Board has been constituted for recommending formulation of social security schemes viz. life and disability cover, health and maternity benefits, old age protection and any other benefits may be determined by the Government for unorganised workers.

1.5 The 'National Social Security Board' (NSSB) was formally launched on 01.10.2007 to provide social and health insurance health insurance cover of Rs. 20,000/- to 80% families (2 out of 3) in the unorganised sector per annum on family basis basis. The NSSB has become operational from 01.04.2008. The premium is shared in the ratio of 75:25 by the Centre and the State Governments. In case of States in the North East region and Jammu & Kashmir, the premium is shared in the ratio of 90:10.

The scheme is being implemented in a phased manner to cover all the estimated 80% families by 2012-13. The salient features of the scheme are:

- The beneficiary family pays Rs. 80/- per annum per family as registration / renewal fee. Administrative cost is borne by the State Government.
- Beneficiaries are entitled to short paid health benefits, health insurance cover of Rs. 20,000/- per family per annum on a family basis basis.
- Coverage of all pre-existing diseases.
- Coverage of hospitalisation expenses, including maternity benefit.
- Payment of transportation cost of Rs. 100/- per visit.

1.6 As on 30.03.2012, the NSSB is being implemented in 24 States namely, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Madhya Pradesh, Manipal, Mizoram, Nagaland, Orissa, Punjab, Tamil Nadu, Tripura, Uttar

Patna, Ranchi, Masabani, West Bengal and Chandigarh Administration and more than 2.78 crore other construction sites.

1.7 Presently, ECR 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, 1968, street-vendors, beach-workers, MGNREGS beneficiaries who have worked for more than 15 days during the preceding financial year) and domestic workers.

LABOUR WELFARE FUNDS

1.8 The Ministry of Labour & Employment is administering five Welfare Funds for steel, iron and other categories of industrial site workers. The Funds have been set up under the following Acts of Parliament for the welfare of these workers:-

- a. The Iron Mines Labour Welfare Fund Act, 1966;
- b. The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972;
- c. The Iron Ore, Manganes Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976;
- d. The Steel Workers Welfare Fund Act, 1978; and
- e. The Iron Workers Welfare Fund Act, 1987.

1.9 The above Acts provide that the Fund may be used 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 set 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 UNORGANISED SECTOR WORKERS

1.10 According to the Revised Integrated Housing Scheme (RHS) 2007-08 for local workers etc. The central subsidy of Rs.40,000/- per township per worker for construction of a house is increased in two instalments, the first in advance after the certificate / receipt of the worker's contribution of Rs.5,000/- is deposited with the Welfare Commissioner and the second after the construction reaches roof level.

1.11 Several other welfare schemes viz. health and medical care, scholarships for school / college going children (Rs.200/- per year for 1st standard to Rs.8,000 for 10th standard) etc. are being implemented for workers and their families.

1.12 The Government has withdrawn the rate of Cess levied on manufactured goods from Rs.20/- to Rs.10/- and again to Rs.5/- per thousand rupees w.e.f. 01.04.2008.

1.13 There are around ten 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, 1968 and the Building and other Construction Workers Welfare Cess Act, 1968.

1.14 Besides providing for good working conditions, these Acts also have provisions in relation to levy @ 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, Scholarship, Pension, etc. are implemented for the construction workers.

1.15 In order to expedite the process of implementation, a special Group has been constituted, which has held various representative 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 Steel Workers

1.16 The Government has launched a scheme on pilot basis for granting one time grant of Rs. 2 crore or 10% 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. Similarly, one time grant would also be available for purchase of Ambulance / Vehicle (not equipped with medical / laparoscopic equipments etc. upto the limit of Rs.4 lakh). Further, an amount equivalent to 10% of the actual cost of the medicines supplied to Steel 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

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

(G) Employees State Insurance Corporation (ESIC)

1.16 The Employees State Insurance Act, 1948 has been amended via ESI (Amendment) Act, 2018 w.e.f. 01.06.2018 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 6. Several other steps have been taken to provide hassle-free services to its subscribers such as 'Fit But Not Sick', starting medical education institutions, extending Model Hospital Scheme etc. as explained in subsequent part of this chapter.

1.15 The recent policy emphasises inspection only in the case of defaulters and when the compliance is irregular. The regular annual inspection has been retained only in the case of most employers employing more than 200 workers. The inspections / investigations are also undertaken where complaints about non-coverage of establishments are received or detected during the course of regular survey.

(H) Employees Provident Fund Organisation (EPFO)

1.16 The earlier method of carrying out inspections of establishments was gross a waste and territorial jurisdiction of Enforcement Officers had been done away with. The problem was better resolved during the countrywide.

1.21 Although for monitoring compliance of covered establishments, the system established in the form of CCTS (Computerized Compliance Tracking System) was provided to the field offices of EPFO, there was

no concrete procedure for detection of coverable establishments. It resulted in lapsed coverage of establishments with consequential legal ramifications as the establishments were merely found coverable from retrospective dates but refused to take up dues liability related to statutory dues, payment of interest and charges for benefit certificate, prosecution (etc.). The Act is applicable on its own motion and these legal actions are attracted for non-compliance for what is overruled.

1.22 This fundamental issue of reduced guidelines for improving Compliance / coverage. Accordingly, EPFO has issued fresh guidelines in April 2008 to all the field offices. While retaining the territorial jurisdiction of Enforcement Officers, due care was taken to address the harassment issue by strengthening the supervisory mechanism on the conduct of the Enforcement Officers through constantly monitoring their performance and outputs and getting direct feed backs from the establishments, employers, employees and the Unions/Associations.

(I) Chief Labour Commissioner (Central) (CLCC)

1.23 In regard of IT Software and IT Service Industries, the CLCC has advised its subordinate offices that routine and periodic inspections may not be necessary since the employees engaged by these IT industries are usually qualified and, therefore, are in a better position to protect and promote their interests. However, enforcement of labour laws in these establishments through returns submitted by the employers under various labour laws is being continued.



Prime Minister's Shree Awards Presentation Ceremony in Progress.

STRENGTHENING OF TRIPARTISM

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

1.25 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 needs of all the social partners in framing the policy for working class. Accordingly, the Ministry of Labour & Employment held several quarterly meetings of various Committees / Boards during the year which, inter-alia, include:

- a. The meetings of Central Board of Trustees (CFT) held on 24.08.2011, 14.07.2011, 27.07.2011 and 22.12.2011.
- b. The meetings of Executive Committee of Employees Provident Fund held on 08.07.2011, 14.07.2011 and 22.12.2011.
- c. The meetings of the Committee on Employees State Insurance Corporation held on 20.07.2011, 10.12.2011 and 16.01.2012.
- d. The meetings of Standing Committee, Employees State Insurance Corporation held on 06.08.2011, 15.12.2011 and 27.01.2012.
- e. The meeting of Steering Body of Central Board for Workers Education held on 14.07.2011, 08.08.2011, 27.01.2012 and 19.02.2012.
- f. The meeting of General Council, ILO (B) National Labour Institute held on 20.07.2012.



Quarterly meeting of the Executive Group (EG) of the Board of Labour Employment along the 47th Session of Standing Labour Committee on 7/2011

- g. The meeting of Executive Council, ILO (B) National Labour Institute held on 20.08.2011 and 21.10.2011.
- h. The meeting of the Central Advisory Committee on: Non-Ore Mines, Marganese Ore Mines & Chromite Ore Mines Labour Welfare Fund was held on 28.08.2011.
- i. The meeting of Central Advisory Committee on: Limestone & Dolomite Mines Labour Welfare Fund was held on 27.08.2011.
- j. The meetings on Conventions were held on 22.07.2011 and 20.08.2011.
- k. A Government of India, ILO National Tripartite Workshop on Maritime Convention (2002) was held at Mumbai during 19-21 October, 2011.

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

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

1.28 The 44th Session of Standing Labour Committee was held on 17.10.2011 in New Delhi under the chairmanship of the Minister, Labour & Employment. 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.



44th Session of Standing Labour Committee in progress

1.20 The Agenda for the 44th Session of Standing Labour Conference includes the following items:-

- a) Review of the Action Team Report on the concluding recommendations of the 43rd Session of Indian Labour Conference held during 23-24 November, 2010 at New Delhi.
- b) The consideration of the following items for the 44th S.L.C:-
 - (i) Verification of membership of trade unions
 - (ii) Improvements in the working conditions of contract labour
 - (iii) Rationalisation of S.O. Code Conventions
 - (iv) Expanding employability and employment
 - (v) Rationalisation of Labour Laws

1.21 After detailed deliberations, S.L.C. has decided to include the following three agenda items for detailed deliberations in the 44th Session of Indian Labour Conference:-



Inauguration of the 44th Session of Indian Labour Conference by Hon'ble Prime Minister at 14.10 February 2012.

INDUSTRIAL RELATIONS

1.22 Maintenance of harmonious industrial relations remains an avowed objective of Ministry of Labour & Employment. Due to consistent co-operation of the industrial Relations Machinery of both Centre and the States, the overall industrial relations climate has generally remained peaceful and cordial. The number of incidences of strikes and lockouts which rose 44% in 2009 has exhibited a declining trend and came 36 (Percentage) in 2010. The number and the amount of these disturbances were 2846 million in 2009 and 0.18 million in 2010 (Percentage) and show continuous improvement.

- Minimum Wages
- Social Security
- Employability and Employment

1.23 The 44th Session of Indian Labour Conference, an important forum of the tripartite consultative machinery, was inaugurated by the Hon'ble Prime Minister Dr. Manmohan Singh during 14-15 February, 2012 at New Delhi. The Hon'ble Union Minister of Labour & Employment co-chaired the Conference. The Conference 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 / UTs. The Agenda for Conference focused on three key issues: Minimum Wages, Social Security and Employment and Employability.



44th Session of Indian Labour Conference in progress.

1.24 As regards the general industry and dependent of the treatment of strikes and lockouts, there exists industrial relations among different States / UTs. Wages & Allowances, Bonus, Financial Incentives & Welfare and Financial intermediaries (including insurance & pension funds) are the major reasons for these strikes and lockouts.

1.25 Twenty-two Industrial Tribunal-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 Centre Government & the respective Government,

These Tribunals are seated at Chennai (Bharatpur), Mumbai, New Delhi and Chandigarh (two courts each) and one each at Kolkata, Jaipur, Patna, Nagpur, Lucknow, Bhopal, Jodhpur, Chennai, Hyderabad, Bhubaneswar, Ahmedabad, Ernakulam, Aizawl and Guwahati.

1.35 In order to reduce pendency of cases, Lab Adalats are being organized by the GOVT-cum-Labour Courts. During 07.04.2011 to 30.11.2011, 34 Lab Adalats were held and 23 cases settled through these Lab Adalats.

VULNERABLE SECTIONS

Child Labour

1.36 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, the strategy is following a 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. India has all along followed a proactive policy with respect to the problem of child labour and continuously reviewing measures to combat it. Government has adopted a sequential approach to address and rehabilitate working children, beginning with those working in hazardous occupations.

Policy on Child Labour

1.37 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. 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

1.38 Under the Legislative Action Plan, the Child Labour (Prohibition & Regulation) Act, 1986 provides:

- a. Prohibition of employment of children below the age of 14 years in 18 occupations and 33 processes.
- b. The Act regulates the nature of employment in all occupations and processes not prohibited under the Act.

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

1.39 In pursuance of National Child Labour Policy, the NCLP Scheme was started in 1988 to rehabilitate child labour which is an ongoing Centrally Sponsored Scheme. Under the Scheme, working children are identified through child labour survey, withdrawn from work and put into the special bridge schools so as to provide them with suitable environment to get mainstream education system. In these Special Schools, 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 ease the economic burden of the parents of working children.

Present Status of NCLP Scheme

1.40 The number of districts covered under the NCLP Scheme has been substantially enhanced to 271. At present the Scheme is being implemented in 268 districts of 32 States in the country. As on date 1311 special schools are in operation with enrolment of 1.2 lakh children. 8.52 lakh children have been mainstreamed into the formal education system.

1.41 The amount of investment under the NCLP

	Pre-revised provisionment	Revised provisionment
Project (District) (1)	Rs. 10000-	Rs. 100000-
Field Officers (2)	Rs. 10000-	Rs. 10000-
Coordination	Rs. 1000-	Rs. 1000-
Resourcing (3)		
Employment (4)	Rs. 2000-	Rs. 2000-
Project Plan (1)	Rs. 1000-	Rs. 2000-
Master Trainer (1)	Rs. 1000-	Rs. 1000-
Doctors (1 for 30 schools)	Rs. 1000-	Rs. 1000-

Schools Level:

	Pre- revised provisionment	Revised provisionment
Trainers (voluntary) (2)	Rs. 1500-	Rs. 2000-
Material Instructors (1)	Rs. 1500-	Rs. 2000-
Class-rooms	Rs. 1000-	Rs. 1000-
Accountant (1)		
Project Plan (1)	Rs. 800-	Rs. 1000-

Scheme has recently been advanced as under:-

1.42 The other highlights under the MCLP Scheme include the following:-

- Spend of MCLP School children has been increased from Rs. 100/- per month to Rs. 150/- (as on 01.01.2011).
- Two categories (i.e. being of student and children working in mines) have been included in the Schedule-A of the Child Labour (Prohibition & Regulation) Act.
- Arrangement has been made to provide mid day meals to MCLP School children for 210 days in a year.

1.43 For the rehabilitation of migrant and child labour, Government has initiated a number of steps and has issued a detailed protocol for prevention, rescue, repatriation and rehabilitation of these children to the State Governments for completion. A website was organised by ILO on National Labour Institute, Noida in this regard.

Women Labour

1.44 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 CPWDs for strict implementation of the guidelines. The Central rules applicable to the Central Government and the All India Service have also 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 employees in the private sector.

1.45 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 hearing authority appointed by the employer for the purpose of these rules.

Wanted Labour

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

1.47 In order to assist the State Governments in the task of rehabilitation of bonded labourers, the Ministry of Labour & Employment launched a "Centrally Sponsored Plan Scheme on BSLR" during 1976 in regard to funding in May, 1978. Under the scheme, rehabilitation assistance of Rs. 20,000/- per bonded labourer is provided. 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. 7000 Cro. has been released under the scheme to the State Governments up to 31.11.2011 for rehabilitation of 2,75,077 bonded labourers.

SOCIAL SECURITY

1.48 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 been recently taken to accord larger benefits to workers under these Acts as under:-

EMPLOYEES STATE INSURANCE CORPORATION (ESIC)

1.49 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 ESIC is implementing the ESI Scheme started since 1952. The achievements of the Corporation are as under:-

New Implemented Areas: The Scheme was extended to 88 new areas covering 1.74 lakh employees during the year 2010-11.

Record Number of Injured Persons/ Beneficiaries: The number of injured persons covered under the ESI Scheme has increased to 1.28 crore for the first time. The number of beneficiaries covered under the Scheme has gone up to 8.03 crore.

Enhancement of Cash Benefits: The ESIC has disbursed Rs. 494.75 crore as benefits in cash and the number of Cash Benefit payments has gone up to 21.78 lakh during the year 2010-11.

Incentives Scheme for employers for providing employment to the persons with disabilities: Persons with disabilities employed on and after 01.04.2008 and drawing wages upto Rs.20,000/- are covered under the ESI Scheme and Employer's share of contribution is paid by Government for three years. This Scheme has been largely advertised in national dailies and most of the employers were not well aware of the benefit of the scheme.

Rajiv Gandhi Shramik Kalyan Yojana (RSKY) (Unemployment Allowance): The number of claims admitted in the year 2010 was 2518 as against 318 in the previous year. The expenditure on this scheme was Rs 4.87 crore in 2010 as against Rs 1.08 crore in the last year. Besides, the beneficiaries under the Scheme have also been made entitled for getting Vocational Rehabilitation (Skill Development) benefits for re-employment for a maximum period of six months.

IT Roll Out Plan: In order to provide basic free services to the stakeholders, ESIC is implementing an IT Roll Out Plan named "Project Handloom". One of its components i.e. "Aadhar Panchang" includes the work relating to issue of two identity Cards to the Insured Persons (one for Insured Person and one for his family) for availing of Cash and Medical Benefit from any institution of ESIC anywhere in the country. Beneficiary details of more than 85 lakh Insured Persons have already been captured to generate these entitlements. The project Panchang has been rolled out in all states covering more than 80% of employees and Insured Persons on Paid basis.

Other Medical Initiatives

- **Medical Benefit (expenditure increased)** from Rs.1608.88 crore in 2009-10 to Rs.2123.67 crore in 2010-11.
- **Model Hospital Scheme:** ESIC has taken a decision to set up one hospital in each State as Model Hospital. ESIC has set up Model Hospital in 27 States so far. The expenditure on Model Hospital wholly borne by ESIC.
- **Starting of Medical Education Institutions:** ESIC has decided to enter the field of Medical Education recently and 28 such institutions have been envisaged which include medical colleges, nursing colleges, dental colleges, post graduate institutes and training school

for Medical Education was started in the year 2011-12 by admitting 27 PG students in 11 specialties at 8 ESIC PG Institutes i.e. Esashiwara-Delhi, Rajahmundry-Bangalore, K.R. Nagar, Chennai-Tamil Nadu, Anand (G) & MDA-Parsi-Mumbai & Joka-Kolkata. ESIC has already started one Post Graduate Institute of Medical Sciences & Research at Bangalore and one Dental College at Raichur, Delhi.

- **Provision of Primary and Secondary Care Services by ESIC already:** ESIC has decided to provide primary and secondary medical care services directly in the areas where the concentration of IP's is more than 5000 and there is no dispensary within 8 kms (5 kms inilly areas) and where concentration of IP's is 25000 (15000 inilly areas) and there is no hospital within 25 kms. This facility will be available in the State Government ESI Scheme established in own hospital and Dispensary.
- **Provision of Super-specialty Services:** Patients can avail super specialty treatment from any of the sub-specialties up hospital of ESIC (more than 500 in no.) as per the choice anywhere in the country. The total expenditure on such services borne by the ESIC.
- **Grading and ISO Certification of ESI Hospitals and Dispensaries:** ESIC is getting its hospitals and dispensaries graded by reputed organizations. ISO Certification has already been obtained for eight (08) ESI Hospitals and 1740 Dispensaries.
- **Zonal Super-specialty Hospitals:** Four Super specialty hospitals are to be set up in four zones. In the first phase, super specialty hospital is to be commissioned soon at Sarathi Nagar, Hyderabad for South Zone.
- **Modernisation and Upgradation of Medical Infrastructure:**
 - It has been decided by the Corporation to modernise/upgrade operational ESI hospitals as a phased manner and to make them step-up ESI hospitals.
 - ESI Hospital, Raaj Nagar (1st Phase) and ESI Hospital, NEDOs have been upgraded and modernised.

- Supercomputers, i.e. IPR and CT have been already been installed in ESAC facilities at Bangalore, Mumbai and Delhi.
- The major projects of infrastructural modernization of the ESAC hospitals and other offices are under progress. Following new hospitals will be ready for commissioning in near future – Mysore (Karnataka), Ghazi (Punjab), Raipur (Chhattisgarh), Prabhakar (Tamil Nadu) and Patna, Bangalore (Karnataka).

- **Media Campaign:** An Awareness Campaign on 'Project Parichal' and on the Government's plans during the Diamond Jubilee Year of IISCI (2010-11) through Print Media, Meetings and Radio. TV. Government have been launched throughout India in Hindi, English and respective vernacular languages of the States to bring awareness and educate various stakeholders about making of their 'Parichal' Centre'. The Welfare Mobile Van was launched for preventive medical care.



Shri Mallikarjun Kharge, Hon'ble Labour & Employment Minister, speaking after laying the foundation stone of the ESAC Para-Medical & Allied Health Science Institute at Guwahati on 03.07.2011.



EMPLOYEES PROVIDENT FUND ORGANIZATION (EPFO)

1.50 The Employees Provident Fund and Miscellaneous Provisions Act, 1952 (EPF & MP Act) 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 EPFO administers the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the following three Schemes framed there under:

- Employees Provident Fund Scheme, 1952.
- Employees Pension Scheme, 1955 and
- Employees Deposit-Linked Insurance Scheme, 1976.

1.51 The progress achieved and the returns generated by the EPFO organization under various heads is given in paragraph below:-

Membership: As on 31.03.2011, there were 8,61,644 establishments covered under the Act out of which

2,100 were exempted establishments. The total membership in the Employees Provident Fund was 81,500 lakh with membership in the Pension Fund being 501.21 lakh.

Clear balances: During 2010-11, 72,48 lakh members (same were added).

Contribution by Members: Total corpus of cumulative contributions received against all three Schemes administered by EPFO as on 31.03.2011 stood at Rs. 2,00,023.94 crore. During the year 2010-11, the total contributions received under all three Schemes amounted to Rs. 2,00,023.29 crore.

Rate of Interest: The rate of interest declared on the deposits of members in the Employees Provident Fund was 8.25% (on monthly compounding basis) for 2010-11. During the year, 60,820 lakh annual statements of accounts were issued to members of un-exempted establishments.

Compliance

1.52 During the year 2010-11, 7023 prosecution cases were launched against defaulting

establishments under section 14 of the EPF & MP Act, 1947 with 1018 cases being issued, 10771 Recovery Certificates for amount of Rs.255.18 crore outstanding EPF Scheme were issued under section 8 of the Act, 12,176 Recovery certificates were issued against dues of Rs.137.87 crore under Employees Pension Scheme, 1949 and 18,853 Recovery Certificates were issued against dues of Rs.12,127 crore under EPLI Scheme. 189 FPs and 2 chapters were filed by the police in various courts under section 400/405 of Indian Penal Code for recovery of dues from defaulting establishments.

Pension Reforms

1.82 The Employees Pension Scheme, 1949 (EPS) has been identified as a Defined Defined Social Insurance Scheme formulated following actuarial principles for ensuring long term financial sustenance. It is financed through contribution from the employees at the rate of 8.33 percent of the wages of employees and the Central Government also contributes 1.66% of the wages of the employees. Any increase in the amount of pensionary benefit depends on the financial position of the Pension Fund. The quantum of pension to members of EPS, 1949 is accurately calculated in accordance with the provisions of the Scheme. To reduce the rate of contributions and quantum of pension and other benefits, para 52 of the Scheme provides for annual valuation of the Pension Fund.

1.84 An Expert Committee under the Chairmanship of Additional Secretary (Labour & Employment) consisting of actuaries, experts from social security and insurance sectors and stakeholders was constituted in June, 2008 for reviewing the Scheme. The Committee has submitted its report to the Government on 05.08.2010. The Committee made following key recommendations:-

(i) **Introduction of Provident Fund cum Pension Annuity Scheme:** The Expert Committee felt that the proposed Provident Fund cum Annuity Scheme is a better option to take over the problem being faced by the Employees Pension Scheme, 1949. Hence the Expert Committee, as the first option, recommended the Provident Fund cum Pension Annuity Scheme as stipulated in the Report of the Expert Committee.

(ii) **Modifications in the existing Employees Pension Scheme, 1949:** After contemplating various scenarios, the Committee has recommended the following amendment to the present scheme:-

- Increase in wage ceiling from Rs.8000/- to Rs.10,000/-
- Provision of annual rate of 7% cost
- A minimum pension of Rs.1,000/- to all categories of pensioners.

1.85 The following modifications to afford the cost of above benefits have also been recommended:-

- Pensionable Salary to be calculated on an average of last 5 years of service.
- Withdrawal option to be denied.
- Bonus of 7 years to be disallowed.
- The age of superannuation to be raised to 60 years.
- The age of early pension to be raised to 55 years.
- Normal pension to be allowed.

1.86 For the above package of benefits, the contribution rate required is @ 14.75%. However, the Committee emphasized that in order to make the scheme sustainable on a long term basis, it would be better to switch to a defined contribution scheme as proposed in their recommendation i.e. Provident Fund cum Pension Annuity Scheme.

1.87 On the directions of the Central Government the report of the Expert Committee was placed before Central Board of Trustees, EPF in its 180th meeting held on 10.09.2010. In the meeting, it was decided that the Report be discussed in the Pension Implementation Committee of the Board. The PFC has since studied the report and sent it to EPFO for placing the same before the Central Board of Trustees in its ensuing meeting for consideration.

Computerisation Plan of EPFO

1.88 EPFO is attempting improvements in its functioning and operations through a process of computerisation of its basic functions under a modernisation project that is being implemented with the collaboration of the National Informatics Centre (NIC). The implementation of the project was approved by the CBT, EPF in its meeting held on 17th April 2009. The project is conducted in two phases. The focus of the 1st phase is to implement application software that provides best practice services to the

Employees Provident Fund members and helps in creation of a strong local database having features to update and improve legacy data in a phased and controlled manner. The IT phase concentrates on consolidating services and databases at the central level for 'anytime-anywhere' services and to implement a double entry accounting system. After completion of the project, the provident fund members will be able to view their PF balances and other position of their loans, etc. through internet. Similarly, the employers will get a facility to view the compliance status of their establishments on internet.

1.88 The following improvements in the computerisation programme have also been made during 2010-11:-

- Beginning of February, 2011, the claim status for all the computerised offices is available on the EPFO website www.epfoindia.gov.in. Further if mobile number is shared by the EPF members in the claim forms, a system-generated SMS is sent to them, at various stages of settlement namely registration, progress in different stages status of claim & finally the payment details.
- National Electronic Fund Transfer (NEFT) has been integrated in the Application for payment of benefits. This has resulted in the reduction in time of credit to members's account, transparency & minimised in re-communication apart from saving money and manpower on cheque preparation and mailing expenses.
- The respective account holders of Provident Fund (those with account A/c for 3 or more years) are encouraged to activate their accounts of transfer their balances in an active Provident Fund account. Electronic transfer of amounts has been made possible which has been introduced since March 2011.
- An e-return tool has been developed to assist employers in generating & submit returns in soft copy that is up available at the EPFO office directly. This aims to reduce the time and error in punching at EPFO offices and is expected to reduce the time gaps. The tool is employer friendly which has been well appreciated.

The Minimum Wages Act, 1948

1.89 The Minimum Wages Act, 1948 was enacted to safeguard the interests of workers mostly in the

unorganized sector. Under the provisions of the Act, both the Central Government and the State Governments are the appropriate governments to fix, revise, review and enforce the payment of minimum wages to workers in respect of scheduled employments under their respective jurisdictions. There are 48 scheduled employments in the Central System and as many as 1071 in the State System. The enforcement of the Minimum Wages Act, 1948 is ensured at the central level in the Central System, 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 System is ensured through the State Enforcement Machinery.

1.91 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, 23 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 system, the rates were last revised w.e.f. 01.10.2011.

1.92 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.100/- to Rs.110/- per day with effect from 01.04.2011. It may, however, be noted that the National Floor Level Minimum Wage is a non-statutory measure.

The Payment of Wages Act, 1936

1.93 The Payment of Wages Act, 1936, which is a labour friendly Legislation, 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 (5) of Section 1 of the Act, the Central Government, on the basis of report of the Consumer Expenditure Survey submitted by National Sample Survey Office, has enhanced the wage ceiling from Rs.6500/- to Rs.10,000/- per month w.e.f. 08.08.2007.

The Payment of Wages (Nomination) Rules, 2008

1.84. In pursuance of the recommendations of the Special Task Force set up by the Ministry of Women and Child Development on complete legal equality to women, the Central Government has notified the Payment of Wages (Nomination) Rules, 2008, with notification (S.O. No. 872 (E)) dated 24.08.2008 defining the procedure for nomination and restricting the nomination by workers to his family members as far as applicable in pursuance of powers conferred to sub-section (2) of section 28 of the Payment of Wages Act, 1948.

WAGE BOARDS

1.85. The Government had constituted two Wage Boards one for Working Journalists and other for Non-Journalists Newspaper Employees under Sections 8 and 10C respectively of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1948 with notifications in the Gazette of India (Extra Ordinary) S.O. No. 804 (E) and 810 (E) dated 24.08.2007. The Wage Boards had been given three years time to submit their reports for under Government.

1.86. The Government, in consultation with the Wage Boards for working journalists and non-journalist newspaper employees, had notified the grant of increments of wages to journalists and other newspaper employees and news agencies employees at the rate of 37% of the basic wage with effect from 08.07.2008 with Notifications S.O. No. 2024 (E) and 2121 (E) dated 24.10.2008.

1.87. The Wage Boards submitted their final Report to the Government on 21.12.2010. A notification accepting the recommendations of the Wage Boards has been published vide S.O.No.2022(E) dated 11.11.2011.

OCCUPATIONAL SAFETY & HEALTH (OSH)

1.88. 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 (DIFALSI). 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

DIFALSI, through its inspectors of Dock Safety, enforces safety provisions in the Docks and also acts as the coordinating Agency at the national level for the Inspectors of Factories appointed under different State Governments.

1.89. Some of the important eventful initiatives in the area of OSH are:

- Every year, Ministry of Labour & Employment observes events viz. Prime Minister's DREAM Awards, National Safety Awards & Mahatma's National Puraskar and National Safety Awards (Mines) to workers.
- The Prime Minister's Dream Awards are given to the workers employed in Departments / Public Sector Undertakings of the Central and State Governments and the manufacturing units employing 100 or more workers in the private sector in recognition of their performance, devotion to duty etc. The Prime Minister's Dream Awards for the years 2008-2009 & 2010 were given away by the Hon'ble Prime Minister, Dr. Manmohan Singh in a function held on 13.10.2011 at New Delhi.
- The Mahatma's National Puraskar (MNP) 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 input 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 employees covered under the Dock Workers (Safety, Health and Welfare) Act, 1988 and Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1962. The Mahatma Shree, Hon'ble Minister for Labour & Employment gave away the NSA & MNP awards for the performance year 2008 in a function on 29.11.2011 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 awards for the year 2008 & 2009 have been finalized and will be distributed in a ceremonial way.



Group Photo of Awardees of the Prime Minister's Shram Awards.

CENTRAL BOARD FOR WORKERS EDUCATION (CBWE)

1.70 The Central Board for Workers Education (CBWE) established in 1958, is a tripartite agency which implements the Workers Education Programmes at national, regional and all-India levels. The Board undertakes training programmes, which cover workers from organized, unorganized, rural and informal sectors.

1.71 The main objective of the Board's training programmes is to create awareness among all sections of the working population. Supervisory and managerial cadres are also covered through Joint Education Programmes.

1.72 With headquarters at Nagpur, the Board has a network of 88 Regional and 8 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 of their respective zones.

1.73 The Board has an all-India level training Institute – Indian Institute of Workers Education, Mumbai established in 1973 to conduct national level training programmes for the activists of Central Trade Union Organisations/Federations, Voluntary Organisations besides training programmes for Board's officials.

1.74 Since 1970 till November, 2011, the Board has conducted 1,007 programmes of varied duration at national level for 28,17,047 participants.

1.75 In the organized, unorganized and rural sector, the Board has in all conducted 4,15,158 programmes of varied duration for 1,18,78,028 workers since inception till November, 2011.

1.76 Besides, the Board has been generating awareness among the informal sector workers about various welfare schemes through its Labour Welfare and Development Programmes.

1.77 The special programmes for the beneficiaries of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGS) are being conducted by CBWE from the financial year 2011-12. During April-November 2011, the Board has conducted 1418 programmes for the MGNREGS workers in rural sector under MGNREGS scheme.

LABOUR STATISTICS

1.78 The backbone of accurate, timely and detailed statistics and accurate assessment on various aspects of labour activities is necessary for taking effective policy decisions. The Consumer Price Index numbers for industrial Workers (CPI- IW) 2011=100 which are compiled and disseminated by Labour Bureau, are widely used to determine the Dearness Allowance of

industrial workers and employees of Central, State and UT governments as well as to achieve the minimum wages of organized and unorganised sector workers.

1.79 The Government has set up an India Review Committee (IRC), a non-statutory tripartite body, to review and report on various aspects relating to completion of Price Index Number for Industrial Workers (PIN-IV) new Series (Base: 2001=100) including price collection mechanism and make recommendations for further improvement. The Committee has submitted its Report.

1.80 Labour Bureau also conducts, monitors and publishes Consumer Price Index Numbers for (i) Rural and Agricultural Labourers (Base: 1989-91=100), (ii) Fiscal Price Indexes of 31 essential commodities for both rural and urban series, and (iii) Wage Rate Indexes for 31 industries.

1.81 The statistics on labour, its reports and surveys are available on Labour Bureau's website (<http://www.labourbureau.nic.in>) and updated regularly.

1.82 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.

1.83 Bureau also organises training to (i) ILO / ILO practitioners, (ii) the foreign participants of I.L.O. Bulletin, sponsored by the I.L.O., and (iii) Junior Certificate Course training to Statistical Officers (seniorly C.S.O.) at State and metro level officers of I.L.O. for training in labour and Price Statistics.

1.84 The Labour Bureau conducted twelve quarterly quick employment surveys to assess the impact of the economic slowdown on employment in firms. The results for selected sectors, i.e. textiles including apparel, leather, metals, automobiles, gems and jewellery, transport, information technology (IT) / business process outsourcing (BPO), and handicrafts/precious are briefly summarised as follows:-

- a. While comparing the results of the last four quarterly surveys conducted during 2010-11 i.e. September, 2011 over September, 2010 the overall employment has increased by 8.11 lakh, with the highest increase recorded in (i)BPO

(1.81 lakh) sector followed by 1.27 lakh in Metals, 0.71 lakh in Automobiles, 0.08 lakh in Gems & Jewellery and 0.07 lakh in Leather industries during the period.

- b. An upward trend in employment has been continuously observed since July 2008. During the quarter July to September 2011, employment has increased in respect of all sectors except Leather and Transport where there was a marginal fall. The overall employment has increased by 8.18 lakh during the quarter. At the sectoral level, the maximum increase of 2.04 lakh in employment during the period September, 2011 over June, 2011 was in IT/BPO sector, followed by increase of 0.40 lakh in Textiles including Apparel, 0.30 lakh in Metals, 0.22 lakh in Automobiles, 0.08 lakh in Gems & Jewellery, 0.07 lakh in Leather.
- c. In the sector oriented units, the employment at the overall level has increased by 1.88 lakh whereas in the non-oriented units, it has increased by 1.18 lakh during the period September, 2011 over June, 2011.
- d. Overall estimated employment in all selected sectors has experienced a net addition of 23.58 lakh during the period October, 2008 (first survey) to September, 2011 (seventh survey).

PLAN OUTLAY

1.85 The Ministry had taken up a number of Plan Schemes for the welfare of labour during Eleventh Five Year Plan. Special emphasis was laid on elimination of child labour, abolition and rehabilitation of the bonded labourers, AII registration and health insurance. The important schemes include Pradhan Mantri Shakti Kaam Yojana (PMSKY), National Child Labour Project (NCLP), Upgradation of existing ITIs into "Centres of Excellence", and Establishment of New ITIs in North Eastern States, Sikkim and Jammu & Kashmir, Skill Development Initiative (SDI), Upgradation of 1304 Government ITIs through PMSKY, National Aided Project (NAP) for reforms and improvement in Vocational Training Services run by Central & State Governments.

1.86 The Planning Commission has made an allocation of Rs.2013.02 crore (in 2008-07 prices) for the Plan Schemes of the Ministry of Labour & Employment during the Eleventh Five Year Plan (2007-12). Against this, an amount of Rs.2842.08 crore (including GVV component of Rs.122.11 crore

which was transferred to Ministry of Urban Development) was allocated by Planning Commission during the first four Annual Plans, i.e., 2002-03 to 2010-11 of the Eleventh Five Year Plan.

1.87 In addition to this, an amount of Rs.1500.00 crore (Rs.750.00 crore in 2004-05 and Rs.750.00 crore in 2010-11) was provided by Ministry of Finance from their Social & Infrastructure Development Fund during the first outlay to Rs.4442.00 crore. This was increased to Rs.5001.00 crore at PFC stages. Against this, the expenditure was Rs.3248.00 crore. The Planning Commission has made available Rs.1248.20 crore including CNY component of Rs.91.75 crore transferred to Ministry of Urban Development during the current financial year, i.e., 2011-12.

1.88 In addition, an amount of Rs.262.00 crore has



Inauguration of the Fifth India-EU Seminar on Employment and Social Policy under the Chairmanship of the Secretary (L&E) on 19-20 September, 2011 at New Delhi

1.89 The seminar was attended by 18 member EU delegation from European Union, senior representatives of Central Trade Union

been provided by Ministry of Finance from their Social & Infrastructure Development fund having total outlay to Rs.1808.20 crore (Rs.1448.20 crore + Rs.750.00 crore + Rs.190.00 crore).

INTERNATIONAL COOPERATION

1.88 The Fifth India-EU Seminar on Employment and Social Policy was held during 19-20 September, 2011 in New Delhi under the Chairmanship of the Secretary (L&E). The main theme of the Seminar was "Occupational Safety & Health". The important topics discussed & discussed were as under:-

- a) Overview of OSH Institutional Framework in India and the European Union: Effective Approach in Practical Risk Analysis and Risk Management
- b) Special Issues in Occupational Health Management



Organisations, Central Employer Organisations, senior officers from State Governments, IIT Administrations and senior officers from Central Government Departments.



Fifth India-EU Seminar on Employment and Social Policy in progress

1.21 A high level Indian Expertise delegation led by Union Minister for Labour & Employment attended the 127th Session of International Labour Conference of ILO held at Geneva, Switzerland during 5-17 June, 2011.

1.22 A delegation led by Hon'ble Minister of Labour & Employment attended the 20th World Congress on Safety and Health at Work in Istanbul, Turkey during 01-08 September, 2011.

1.23 A two member delegation led by Secretary (L&E) visited China during 14-18 September, 2011 to attend Asia-High Level Seminar on Social Security Extension organized by International Labour Organisation.

1.24 A delegation led by Hon'ble Minister of Labour & Employment attended the G-20 Labour & Employment Ministerial Meeting in Paris, France during 26-27 September, 2011.

1.25 A delegation led by Secretary (L&E) attended 21st Session of the Governing Body of ILO at Geneva, Switzerland during 7-18 November 2011.

1.26 A Japanese delegation led by Hon'ble Minister of Labour & Employment attended the Asia-Pacific Regional meeting in Kyoto, Japan during 4-7 December, 2011.

1.27 NATIONAL LABOUR INSTITUTE (NLI)

1.27 V.V. Giri National Labour Institute (NLI), an autonomous body of the Ministry of Labour and Employment, Government of India, set up in July 1974, has given into a premier institute of labour research and education. 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 organized and the unorganized sectors. The focus of such endeavours is the concern to transfer scientific insights and understanding for application to policy formulation and action, so as to ensure a just share for labour in an equitable and forwardly society.

1.28. The main functions of the Institute are:-

- To undertake, and promote and coordinate research on labour and in collaboration with other agencies, both national and international;
- To undertake and assist in organizing training and educational programmes, seminars and workshops;
- To undertake work in:
 - (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.
- To analyse specific problems encountered in the planning and implementation of labour and allied programmes and to suggest remedial measures;
- To prepare, edit and publish papers, periodicals and books;
- To operate and maintain library and information services;
- To collaborate with other institutions and agencies in India and abroad which have similar objectives; and
- To do the followings, prices and so on:-



Shri Mallikarjun Kharge, Hon'ble Union Minister of Labour and Employment conferring the V.V. Giri Memorial Award 2010 on Dr. P.D. Shetty on 10.08.2011.

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

1.100 NARTSS is administered by the DPMC. 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 organisations, officers from DPMC and staff of the Ministry of Labour and Employment as also representatives of labour institutions and Government of various countries in Africa, Asia and the Far East.

ACTIVITIES OF DIRECTORATE GENERAL OF EMPLOYMENT & TRAINING (DGET)

1.101 Vocational Training and Employment being a part of investment in human capital, Central and State Governments share the responsibility. Laydown of policies, procedures, standard norms, affiliation, guidelines, conducting of trials test and certification are the responsibility of the Central Government whereas the implementation of vocational training and administration of Employment Exchanges rests with the respective State Governments/Union Territories. DGET in the Ministry of Labour & Employment also runs training institutions to meet the training needs of specific employers.

Skill Development Initiatives

1.102 In pursuance of assistance in vocational training, a new strategic framework for skill development for early school leavers and exiting workers has been developed since May 2007 in close consultation with industry, State Governments and experts. The Scheme offers multi-entry and multi-exit options, flexible delivery schedules and lifelong learning. Modular Employment Skills (MES) Framework envisaged under the Scheme involves the 'minimum skills set' which is sufficient for partial employment. Emphasis in the curriculum is mainly on soft skills. Courses are also available for persons who have completed 12 standard and have attained the age of 14 years. Central government is facilitating and promoting training while industry, private sector and State Governments are associated with training the persons through Vocational Training Providers.

1.103 As per new 1200 standards for employable skills covering 50 sectors have been developed. 30 Assessing Bodies constituted for conducting assessment, 6,710 Vocational Training Providers (VTPs) have been registered and more than 12.18

lakh persons have been trained / trained (over 1000000). The Scheme will receive greater impetus during the next financial year and will continue in the 12th Plan.

Scheme for up-gradation of 500 Government ITIs

1.104 Government has embarked on the strategic objective of modernising and improving the quality of training in Government-run ITIs, with involvement of stakeholders. 100 ITIs have been approved for immediate resources to create 'Centres of Excellence' for producing multi-skilled work-force of world standard. The Scheme was completed in 2010-11. Under the Scheme multi-entry courses are offered during the first year, followed by advanced and specialized modular courses in the second year. Industry take 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 Committee (IMC) to ensure greater and more active involvement of industry in vocational training.

1.104 Another 400 ITIs are being upgraded through World Bank assisted – Vocational Training Improvement Project (VTIP) with a total cost of Rs.1081 crore. Assistance is being provided to upgrade infrastructure, purchase of new machinery and training of principals and instructors. For this project, Central Government is sharing 70% of the expenditure and states are paying the remaining 30%. However for North Eastern States, Central Government provides 80% and NE States put in only 20% from their side. The Scheme will continue in the 12th Plan.

Scheme for up-gradation of 1000 Government ITIs through Public-Private Partnership

1.105 Government has formulated a Scheme to upgrade 1000 ITIs under public-private partnership concept. The Scheme was launched during 2007-08 with an outlay of Rs.2000 crore. An amount of Rs.2000 crore has been released, @ Rs.2.0 crore to each Industry Management Committee (IMC) Society of ITIs as inter-tenure grant for upgradation of 1000 ITIs during 2007-08 to 2010-11. The 50% grant for the remaining 500 Government ITIs is being taken up for upgradation during 2011-12. The Scheme is expected to be completed in 2012-13.

Training of 6000 Youth of Jammu & Kashmir

1.106 Training of 18000 youth of J&K for 2 years under MSB (2007 Scheme) has been started in 2010-

IT with total cost of Rs.2524 crore. A total 9700 persons have already been trained and Rs.12.29 crore released. The Scheme will continue in the 12th Plan.

Skill Development in 34 Districts Affected by Left Wing Extremism (LWE)

1.107 The Scheme has been initiated with the objective of creating Skill Development Infrastructure in those districts by establishing one ITI & ten Skill Development Centres (SDCs) in each district and to run training given vocational training courses, both long-term and short-term, to meet the requirement of skilled manpower of various sections of economy in and around these areas. This will also provide the opportunities of livelihood to the youth in these areas. The Scheme will continue in the 12th Plan.

Enhancing Skill Development Infrastructure in North-Eastern (NE) States and Sikkim

1.108 Although NE States are supported by various schemes, the TIs lack in many aspects such as construction of secondary wall, toilet, approach road, power connection and water connection. There are many tools which are in demand but could not be established for want of workshop and machinery & equipment. Besides, funds are also required for recurring expenditure e.g. procurement of training material, salary of instructional, ministerial Staff & providing stipend to trainees, etc. Therefore, the NE State-specific Scheme has been initiated to enhance the skill development infrastructure in NE States and Sikkim. The Scheme is 100% centrally funded as the State Governments may not have requisite resources. The Scheme envisages construction of 20 ITIs in NE States and Sikkim, supplementing infrastructure deficiencies in 20 ITIs in NE States and Sikkim including Monitoring Cells at Central & State level. The Scheme will continue in the 12th Plan.

Rural Skill Upgradation – Setting up of 1000 ITIs and 1000 SDCs in PPP Mode

1.109 (2008) in the Ministry of Labour & Employment has taken up a project titled Rural Skill Upgradation to set up 1000 new vocational training institutes (ITIs) & 1000 Skill Development Centres (SDCs) in the PPP mode by involving three partners. The Scheme envisages the private Training Provider playing the lead role. State Governments are expected to extend as possible financial support, land and lease, infrastructural facilities free of cost, and the

Central Government provide Viability Gap Funding (VGF). The total cost of the Scheme is Rs.1266.28 crore (Government share Rs.529.27 crore and Private Share Rs.737.01 crore). The Scheme will continue in the 12th Plan.

1.110 Twenty three Coaching cum Guidance Centres for SCSTs have been set up in 23 States. Vocational Guidance and training in Certificate Building is provided to SCST job seekers through these Centres. Besides, the facilities for practicing typing and shorthand are provided to SCST job seekers in 12 Coaching cum Guidance Centres. These Centres have also been arranging Pre-Recruitment Training Programmes for SCST candidates to improve their employability in competitive examinations conducted by Staff Selection Commission and other Recruitment Boards for Group 'C' and equivalent posts. During 2011-12 (April-November, 2011), 1875 candidates could make use of facilities provided at COCs to practice typing and shorthand and 2500 candidates participated in the Pre-Recruitment Training Programmes organised by COCs.

THE RIGHT TO INFORMATION ACT, 2005

1.111 In order to achieve the objectives of Good Governance, it is necessary that the administration should be transparent, responsive, client-friendly and able to disseminate all the information among the public. Right to information is a powerful tool to 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.

1.112 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 scope of Ministry of Labour & Employment. It includes dissemination of information in public domain relating to the particulars of organisation, location and roles, the designation of CPIO and Appellate Authority etc. The Ministry has also initiated systematic 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.nic.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.

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

Year	Applications Received
2004-06	27
2006-07	200
2007-08	600
2008-09	723
2009-10	822
2010-11	1188
2011-12	1210
(up to 31.03.2012)	

1.114 The number of RTI requests, received in the Main Secretariat, Ministry of Labour & Employment is

78 during the period from April, 2011 to January, 2012, while the same for the year 2010-11 was 78.

1.115 RTI applications out of the above have gone to Central Information Commission (CIC) in the form of second appeal, in which CIC has upheld the decision of appellate authority in almost all cases.

SPORTS AND GAMES

1.116 The employees of the Ministry of Labour & Employment have been regularly taking part in the inter-ministry sports and games competitions organised by the Central Civil Services Culture and Sports Board every year. CP has the cricket teams, both regular and reserve, have been doing well in the inter-ministry cricket tournament. Last year, the regular as well as the reserve's team finished as runners-up in the tournament and this year, for the first time, the reserve's team won the inter-ministry reserve cricket tournament.



The Ministry of Labour & Employment reserve cricket team seen here with Secretary (L & E) after winning the inter-Ministry reserve cricket tournament 2011-12.

LIST OF CONTROL ACTS

No.	Name of the Act
01	The Companies (Risk Management) Act, 1999
02	The Companies (Financial Policy and Management Practices) Act, 1999
03	The Coal Workers Safety, Health and Welfare Act, 1988
04	The Mines Act, 1952
05	The Coal and Mines Management (Coal Mines and Chrome (Coal Mines) Labour Welfare) (Central) Act, 1974
06	The Coal and Mines Management (Coal Mines and Chrome (Coal Mines) Labour Welfare) (State) Act, 1974
07	The Coal Mines Labour Welfare Fund Act, 1988
08	The Road Workers Welfare Code Act, 1975
09	The Workers and Employees (Mines) Labour Welfare Fund Act, 1975
10	The Coal Workers Welfare Fund Act, 1987
11	The Road Workers Welfare Fund Act, 1975
12	The Coal Workers Welfare Fund Act, 1987
13	The Coal Labour (Production and Reporting) Act, 1988
14	The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1980
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, 1948
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, 1948
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, 1948
26	The Factories Workers and Other Employees (Welfare) (Regulation of Employment) Act, 1987
27	The Building and Other Construction Workers (Welfare) Act, 1980
28	The Apprentices Act, 1961
29	The Insurance Act, 1938
30	The Motor Transport Act, 1961
31	The National Labour Commission (Amendment) Act, 1982
32	The National Labour Emergency Provisions Act, 1980
33	The Payment of Leave Act, 1948
34	The State Industrial Employees (Conditions of Service) Act, 1975
35	The State Transport Act, 1961
36	The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1978
37	The Contract Labour (Regulation) Act, 1980
38	The Industrial Compensation Act, 1925 (now known as the Employees Compensation Act, 1980)
39	The Employees (Exchange) (Compulsory Notification of Services) Act, 1984
40	The Contract Labour (Welfare) (Amendment) Act, 1977
41	The Road and Canal Workers (Conditions of Employment) Act, 1988
42	The Employees' Provident Act, 1988
43	The Unorganised Workers (Social Security) Act, 2008

LABOUR JURISDICTION

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

LABOUR JURISDICTION- CONSTITUTIONAL STATUS	
Union List	Concurrent List
Entry No.36 – Regulation of labour and safely in mines and oil fields.	Entry No.22 – Trade Unions, industrial and labour disputes.
Entry No.37 – Industrial disputes concerning Union employees.	Entry No.23 – Social security and social insurance, employment and unemployment.
Entry No.25 – Union Agencies and institutions for “vocational training...”	Entry No.24 – Welfare of labour including conditions of work, provision of food, clothing, housing, medical services, compensation, travel and all age allowances and pensionary benefits.

PERSONNEL

2.2 Shri Kapilashan Prasad is holding the charge of the Minister for Labour & Employment. Dr. Mulyamur Sarang, IAS (TMJT) took over the charge of Secretary (Labour & Employment) on 21.04.2011 and Shri P.C. Chaturvedi who retired on superannuation on 21.04.2011, Shri Ravil Malhotra, IAS (PLJN) continues to hold the charge of the post of Additional Secretary (L&E). Shri P.A. Padhy, (ICS-75) has assumed the charge of the post of Labour & Employment Adviser at the level of Secretary w.e.f. 28.11.2011 and Shri. Vinay Kumar,

Labour & Employment Adviser who, in previous, was relieved from the Ministry on 28.11.2011, Shri Anil Kumar, IAS (JPF-81) has assumed the charge of the post of Additional Secretary w.e.f. 03.10.2011 by temporarily upgrading the post of Joint Secretary and continues to hold the post of Director General, Labour Welfare, Shri Chandra Prakash, IAS (JPF-82) has assumed the charge of the post of Joint Secretary in the Ministry of Labour and Employment w.e.f. 04.07.2011 and Shri S.R. Devi Sharma, Joint Secretary who has gone on deputation to Government of Afghanistan w.e.f. 24.01.2011, Shri Sharda Prasad, IAS (JPF-81) continues to hold the post of Director General, Employment & Training, Dr. A.C. Pandey IAS (JPF-84) continues to hold the charge of Joint Secretary, Shri X.M. Gupta (IPS-82) and Shri S.R. Joshi (SS-85) continue to hold the post of Economic Adviser and Deputy Director General at the level of Joint Secretary, respectively. Shri T.K. Basu has taken over the charge of the post of Deputy Director General (at the level of Joint Secretary) w.e.f. 02.04.2011 and Dr. Heercharan Singh, Deputy Director General who retired on superannuation on 21.05.2011, Shri S.R. Prasad (Central Labour Service) continues to hold the charge of the post of Chief Labour Commissioner (Central).

STRUCTURE AND FORMATION

2.3 The Ministry has the following attached and subordinate offices, autonomous organisations, educating bodies and institutions:

ATTACHED OFFICES

Directorate General of Employment & Training (DGET)

2.4 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) (OCLCCE)

2.5 This Office is responsible for (a) prevention, investigation and settlement of industrial disputes in the central sphere; (b) enforcement of awards and

regulations; (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 minimum standards component of minimum wages under the Minimum Wages Act, 1948 in the scheduled employments.

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

2.6 The Directorate is concerned with formulation of policy relating to the safety, health and welfare of workers in factories and shops. 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 Shop Workers (Safety, Health and Welfare) Act, 1950. It undertakes research in industrial safety, occupational health, industrial hygiene, industrial psychology and industrial physiology. It provides training mainly in the field of industrial psychology and industrial safety & health including a diploma course of one year duration in industrial safety. The Directorate is an essential institution for appointment of Safety Officers in factories. Major in-service training of Factory Inspectors is another important activity of the Organisation.

Labour Bureau

2.7 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 / Districts.

INTERNATIONAL OFFICES

Directorate General of Mines Safety (DGMS)

2.8 This Office is entrusted with enforcement 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

2.9 The nine Offices of Welfare Commissioners are responsible for providing welfare services to the workers employed in mines, ironworks and steelworks, iron and steel, manganese and chrome iron mines and in the food and chrome industries. These offices are located at Allahabad, Bangalore, Ajmer, Shubhashil, Kolkata, Hyderabad, Jabalpur, Raigarh, Ranchi and Dehra Dun.

AUTONOMOUS ORGANISATIONS

Employees State Insurance Corporation (ESIC)

2.10 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 temporary compensation for employment related injury, pensions for dependents on the death of workers due to employment related injury, etc.

Employees Provident Fund Organisation (EPFO)

2.11 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 schemes. The Organisation is also responsible for administration of Employees Pension Scheme, 1955 that came into existence on 15.11.1955.

VI Old National Labour Institute (VNLI)

2.12 The VI Old National Labour Institute, with its headquarters at New Delhi (New Praxsli), is a registered society which conducts various research and provides training to graduate level workers in the three prior movements, 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)

2.13 The Board with its headquarters at Jaipur is a registered society dealing with schemes for training of workers on trade unionism and in 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 under Labour Courts (CITs)

2.14 It all 22 (Twenty two) Industrial Tribunals are:

Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of the industrial disputes in organisations for which the Central Government is the appropriate Government. These Tribunals are located at Chandigarh (four courts), Mumbai, New Delhi and Chandigarh (two courts each) and one Court each at Bikaner, Jaipur, Kanpur, Nagpur, Lucknow, Bhopal, Jodhpur, Chennai, Hyderabad, Madras, Ahmedabad, Guwahati, Agartala and Shillong.

ARBITRATION BODY

Board of Arbitration (Joint Consultative Machinery)

2.15. The Board, with its headquarters at New Delhi, set up under the Scheme for Joint Consultative Machinery and Compulsory Arbitration is an institution for compulsory arbitration of disputes between employees and the Government and its matters of pay and allowances, weekly hours of work and award of a class or grade of employees.

Key Subjects dealt in the Ministry of Labour and Employment

2.16. In pursuance of the powers derived 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:

2.17. 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, 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)

2.18. The Central Labour Service (CLS) was constituted with effect from 27 February 1987 to ensure better industrial relations, labour law enforcement and labour welfare. Consequent upon the Centre Review, the Central Labour Service (CLS) was notified as a project service in 2004.

2.19. The factories employing 500 or more workers and plantations employing 200 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 management 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.

2.20. 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 the C.I.R.M. 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 food, clothe and certain categories of non-food items for workers.

WORKS STUDY

2.21. One of the main functions of the Internal Works Study Unit is to bring about administrative reforms, streamlining the staffing patterns and redesigning suitable organisational structure and methods of work. The Internal Works Study Unit has accordingly been entrusted with Work Measurement Studies, Motive Studies, Rewards Management Studies and Organisations and Methods. O&M responsibilities of various sections and field offices under the administrative control of the Ministry of Labour & Employment, with regular O&M masters, the Unit is guided by the Department of Administrative Reforms and Public Grievances and in respect of work relating to Work Measurement Studies, it is guided by the Staff Inspection Unit (SIU) of the Department of Expenditure, Ministry of Finance. At the beginning of the financial year, an annual Action Plan of programmes of O&M activities and studies is prepared in consultation with the various Office Sections/Units, including the attached and subordinate offices. The Internal Works Study Unit functions under the Financial Adviser (L&E) and works through the Controller of Accounts, Senior Analyst and Junior Analysts.

2.22 The shortcomings noticed during the inspection of the Sections and Post offices in the areas of administrative matters (Vacancy position / provisional appointments), monitoring of Court Cases / Audit Files, implementation of provisions of Manual of Office Procedure, records management and other day to day functioning, are brought to the notice of the respective Bureau Heads for taking remedial actions so as to improve the functioning of these offices.

OBM Meeting

2.23 Internal Memorandum Study Unit convenes OBM meetings periodically under the Chairmanship of Secretary (L&E). The meeting is attended by all the Bureau Heads, including representatives from the Employees Provident Fund Organisation (EPFO) and the Employees State Insurance Corporation (ESIC).

2.24 In the OBM meetings, pending position with regard to the Home Minister's Office / Cabinet Secretariat references, Public Grievance cases, Parliamentary Assurances, other Parliamentary Matters, Vacancy Positions, Member of Parliament / MP References, Court Cases, Audit Files, Records Management etc. are discussed and suitable directions issued to all concerned to expedite disposal of such cases. The action taken report on the directions of the Chairperson are reviewed in the next OBM meeting.

Records Management

2.25 With a view to facilitating easy access to public records as envisaged in the Right To Information Act, 2005, it is necessary to have proper management of records in the Ministry in accordance with the provisions of the General Secretariat – Manual of Office Procedure, Public Records Act, 1997 and Public Records Rules, 1997. In view of the importance of the subject, a Joint Secretary level officer has been nominated as the 'Chief Records Officer'.

2.26 Records Management is also taken up as one of the agenda items in the OBM meetings held by Secretary (L&E) wherein the necessity of proper management of records, including searching of Special Issues is emphasized. To ensure keeping the records in the Record Room in up-to-date condition and as per the guidelines of the National Archives of India, an inspection of the Record Room was carried out in February, 2011 by the joint team of National Archives of India and NIA (Main Secretariat).

CAREER MANAGEMENT AND TRAINING (CMT)

2.27 The main function of Career Management and Training (CMT) Unit is to organize training programmes on a decentralized basis for LDCs, JDCs and Managers etc. and to nominate Officers and members of staff at the Ministry of Labour & Employment to the Institute of Secretarial Training and Management (ISTM) as well as other such Training Institutes for different training programmes. Also the unit makes arrangements for the need based training programmes for officers and staff members of the Ministry via computer applications for the officers / officers through corporate learners, and behavioural skills and service matters for Group D/ staff through corporate and in-house learners.

2.28 CMT Unit is also forwarding applications for various Training Programmes / Orientation Training Programmes organized by ISTM for Officers and Staff Members of the Ministry to the ISTM for taking necessary action thereon.

2.29 The Ministry organized a one day training programme for all EPFOs to deal with the matter raised in RTI Act, 2005 on 05.10.2011 as advised by Department of Personnel & Training.

2.30 During the period from April to November 2011, 50 Officers and members of staff have been sponsored for various training programmes.

CONSULTATIVE COMMITTEE MEETINGS

2.31 During the year 2011, four meetings of the Consultative Committee attached to this Ministry were held on 03.02.2011, 28.08.2011, 29.08.2011 and 21.10.2011 under the Chairmanship of Hon'ble Minister of Labour & Employment.

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

- (a) Functioning of the Directorate General of Factory Advice Services and Labour Institute (DFASLI)
- (b) Functioning of Central Board of Workers Education (CBWE)
- (c) Functioning of Directorate General of Employees State Insurance Corporation (ESIC)
- (d) Skill Development

FINANCE WING

2.33 Integrated Finance Division (IFD) is headed by Financial Advisor (FA) in the Ministry. He is

assisted by Deputy Secretary (Finance) in work related to the Finance Division. The Controller of Accounts assists the Financial Adviser in carrying out functions related to budget & accounts and internal audit.

2.24. In line with the Schedule II of Delegation of Financial Power Rules, IFO headed by FA carries out the following functions:-

- To advise the Administrative Ministry on all matters falling within the powers delegated to the Ministry by the Ministry of Finance;
- To screen all expenditure proposals, except those coming within the delegated powers that are required to be referred to the Finance Ministry for consequential comments;
- To ensure that the schedule for presentation 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;
- To scrutinize budget proposals thoroughly before sending them to the Ministry of Finance;
- To see that complete departmental accounts are maintained in accordance with the requirements under the General Financial Rules;
- To keep itself closely associated with the formulation of Schemes and important expenditure proposals from their initial stages;
- To associate itself 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 account in the budget formulation;
- To watch the settlement of audit objections, suspension/requests, draft audit queries etc.
- To examine & coordinate EPC proposals received from various wings of the Ministry of Labour & Employment.

During the year 2011-12, all budget and accounts matters were allocated 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

autonomous programmes. The guidelines with regard to fiscal probity and custody in Expenditure Management as prescribed by the Department of Expenditure, Ministry of Finance were sought to be enforced and the guidelines relating to effective cost management were also followed.

- To ensure prompt action on Audit Reports and Appropriation Accounts, Reports of the Public Account Committee, Estimates Committee and Committee on Public Undertakings.
- Its Memoranda for holding EPC/ EPC meeting and two Cabinet Notes were submitted by IFO upto September, 2011.

PROGRESSIVE USE OF HINDI

2.25. The Ministry of Labour & Employment has made several efforts to promote the use of Hindi in official work and create interest in officers / employees to work in Hindi. During the year 2011-12, these were taken to ensure compliance of the provisions of the Official Language Act / Rules and various instructions / guidelines issued by the Department of Official Language from time to time. Hindi Division of the Ministry's continued with the use 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, Ministry Labour & Employment Minister's Speech, Press releases etc. and the publications of the Ministry.

2.26. Hindi fortnight was observed during 1-15 September, 2011 to promote the use of Hindi in the Ministry. On this occasion, two Hindi related competitions were conducted to promote use of Hindi among the officers. A large number of Officers of the Ministry participated in these competitions.

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

2.28. All documents under Section 3 of the Official Language Act, 1963 were issued both in Hindi and English. The Ministry is making all efforts to ensure effective implementation of Government's Official Language Policy and is committed to fulfil this objective. The Meeting of Hindi (Labour) Board was held on 27/01/2011 at New Delhi in which the

Sections, expressed their satisfaction regarding implementation of Official Language in the Ministry.

ACTION TAKEN ON CITIZENS / CLIENTS CHARTER

2.39 The Citizen's / Client's Charter of the Ministry of Labour & Employment has been released. Based on the guidelines of the Department of Administrative Reform & Public Governance (DARPG) and the Performance Management Division (PMD) of the Central Secretariat in consultation with the stakeholders of the Ministry, the Ministry has updated its Citizen's Charter in February, 2011. The charter has been put on the website for easy access by public and copies have been kept in Information Facilitation Centre of the Ministry for easy visitors.

2.40 The Citizen's / Client's Charter contains the information with respect to vision, mission, services / transaction of activities with responsible persons (with contact details), service standards, and Ministry's Commitments to the clients. Separate information

with reference to attached / subordinated offices / autonomous bodies of the Ministry has been incorporated along with contact details and address of that entities.

2.41 The Ministry constituted a Task Force to make a Devadhan Computer System to implement, monitor and review Citizen's / Client's Charter of Ministry of Labour & Employment.

2.42 The Ministry makes continuous efforts across its goals and fulfil commitments to the clients. Computerized Information Facilitation Centre in the Ministry has been set up which is rendering all necessary assistance to the Public by making available information on various activities and schemes of the Ministry and its organizations.

ACTION TAKEN ON CAG'S REPORT

2.43 The first Action Taken Note on the Report's TC0001, TC0006 is has been issued by CAG and sent to Monitoring Cell. The Action Report (S0019)-11 is under examination for submission.

BRIEF REPORT ON ACTIVITIES OF CIRC'S ORGANISATION

3.1 Chief Labour Commissioner (Central)'s Organisation, 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 ensuring harmonious Industrial Relations, enforcement of

Labour Laws and verification of Trade Union Membership in central sphere. CIRM has a complement of 37 officers at the head Quarters and 368 Officers in the field. The offices of CIRM are spread over different parts of the country with areas, regional and unit level formations.

FUNCTIONS OF THE ORGANISATION

3.2 The functions of CIRM are given as under:

FUNCTIONS OF CIRM
<ul style="list-style-type: none"> • Prevention and settlement of Industrial Disputes in the Central Schemes; • Enforcement of Labour Laws and Rules made thereunder in the Central Schemes; • 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 Schemes establishments through:-

- Monitoring of industrial relations in the Central Schemes;
- Intervention, mediation and conciliation in industrial disputes in order to bring about settlement of disputes;
- Intervention in violation of Unrecorded Orders and Schemes with a view to cover the strikes and lockouts;
- Implementation of settlements and awards;

- Enforcement of other provisions in the Industrial Disputes Act, 1947 relating to: (i) Works Committee, (ii) Recovery of Quota, (iii) Lay-off, (iv) Re-employment, (v) Other Labour Practices, etc.

3.4 During the year 2010-2011 the CIRM intervened in 732 Unrecorded strikes and its conciliatory efforts succeeded in averting 732 strikes, which represent a success rate of 87.8%. During the period from April-September, 2011, the CIRM intervened in 337 Unrecorded strikes and its conciliatory efforts succeeded in averting 328 strikes, which represent a success rate of 97.33%. The details of the Industrial Disputes handled during the year 2010-11 and 2011-12 (April-September, 2011) are as under:-

Details of the Industrial Disputes handled by CDM

Year	Number of Disputes received by CDM*	Number of Disputes which were intervened with by CDM	Number of Disputes which were settled without involving former Controller Proceedings (CP)	Number of Disputes in which former CP were held	Number of Disputes in which CP not to the settlement of Disputes	Number of Disputes in which CP settled in favour	Number of Disputes Pending with the CDM at the close of the year
2010-2011	673	—	1700	4456	2256	2191	1026
01.04.2011 to 30.09.2011	1911	445	648	3583	1688	1581	4872

* including brought forward from the previous year

ENFORCEMENT OF LABOUR LAWS

3.3 Another important function of CDM is the enforcement of Labour Laws in the establishments for which the Central Government is the Appropriate Government. The machinery enforced following Labour Laws and Rules framed there under:

- (i) The Payment of Wages Act, 1948 & Rules made thereunder for Mines, Railways, Air Transport Services & Dock, Wharves and Steves,
- (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 (REGS) 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, 1980 and Rules, (BOWCA ACT)

- (x) Chapter XIV of Indian Railway Act, 1969 of Employment Regulations for Railway Employees,
- (xi) The Industrial Employment (Standing Orders) Act, 1948 & Rules,
- (xii) The Maternity Benefit Act, 1961 (MBA) and Circular Rules, 1962 & Rules,
- (xiii) The Payment of Bonus Act, 1966

3.4 There are approximately 1.5 lakh establishments in the Central Sphere. The Inspecting Officers of CDM inspect these establishments under different Labour enactments through routine inspections and Special Drives for inspections under the strict inspection programmes and technical inspectors to secure 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, 1980 in the unorganised Sector. Prosecutions are launched against persistent defaulters and in respect of major violations. Details for the year 2010-11 and for the period from April-September, 2011 are given as under:

Year	Number of Inspections	Number of Inspectations		Number of Prosecutions Initiated	Number of Convictions
		Detailed*	Summed		
2010-2011	44916	75016	68148	14879	12768
01.04.2011 to 30.09.2011	25880	48524	19880	8888	7683

*including brought forward from the previous year

IMPLEMENTATION OF AWARDS:

3.7 The officers of CDRA implemented Awards issued by the Central Government Industrial Tribunal under Labour Courts (COITs). During the year 2010-11, 2577 awards were received (including brought forward from the previous year). Out of these 149 were implemented, implementation of 828 Awards was in progress, implementation of 1279 Awards were stayed by High Courts and implementation of remaining Awards were pending due to other reasons. Difficulties in implementing the awards are experienced as employers often delay and orders from High Courts on implementation. Besides, sanction for prosecution of employers by the employing Ministry as required under Section 187 of Cr.P.C. is slow paced.

3.8 During the year 2011-12 (upto 30.06.2011), 2728 awards have been received (including brought forward from previous year). Out of these 246 have been implemented, implementation of 862 Awards are in progress, implementation of 1271 Awards have been stayed by High Courts and implementation of 79 Awards are pending towards other reasons.

QUASI-JUDICIAL WORK:

3.9 CDRA officers from the level of Assistant Labour Commissioner (General) (ALCOG) upto the level of Chief Labour Commissioner (General) (CLCOG) also perform certain Quasi-Judicial Functions as shown below:

CLCOG - Appellate Authority under Industrial Employment (Standing Orders) Act, 1948, Director General (members).

Dy-CLCOG- Appellate Authority under the Industrial Employment (Standing Orders) Act, 1948, Authority under Rule 2(27)(v)(a) and (b) of the Central Labour (Regulation and Abolition), Rules 1971.

ALCOG - Authority under the Minimum Wages Act, 1948, Appellate Authority under the Central 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, 1948, Supervisor of the Railway Labour under Hours of Employment & Regulation Act, 1950.

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

3.10 The cases decided by these officers under some of the above provisions / laws are given in the table below:

Nature of Quasi-Judicial Work	Cases/ Applications/ Claims B/F from previous year	Cases/ Applications/ Claims received during the year	Total	Cases/ Applications/ Claims disposed off	Awards Awarded (In Progress)
Gratuity Applications under the Payment of Gratuity Act, 1972 (2010-11)	2424	2261	4685	2784	2000000
2011-12 (01.07.2011 to 30.06.2011)	2628	2728	5356	3248	17000788
Gratuity Appeals by M/Co. under the Payment of Gratuity Act, 1972 (2010-11)	228	228	456	221	2000000
2011-12 (01.07.2011 to 30.06.2011)	228	252	480	228	1000000
Claim applications by M/CoG under the Minimum Wages Act, 1948 (2010-11)	2487	2781	5268	2784	10000000

2011-12 (01.04.2011 to 30.09.2011)	2008	1000	4100	1073	6070001
Cases under BCCW Act (2010-11)	2002	594	2710	402	402110
2011-12 (upto 30.09.2011)	2408	1594	3740	172	203000

**Certification / Modification of Standing Orders for the period 2010-11 &
2011-12 (01.04.2011 to 30.09.2011)**

Year	Brought Forward From Previous Year	Received during the year	Total	Dismissed or Cancelled	Pending
2010-11	20	41	70	22	28
01.04.2011 to 30.09.2011	20	14	34	22	11

**VERIFICATION OF MEMBERSHIP OF CENTRAL
TRADE UNION ORGANIZATIONS**

3.11 The General Verification of membership of Trade Unions affiliated to Central Trade Union Organizations (CTUOs) is an important exercise which is undertaken by the Chief Labour Commissioner (Central) organization. The purpose of general verification is to determine the strength of the CTUOs, in order to give them representation in inter-state and National Conference, Committee, Councils etc.

3.12 The process of first General verification of trade unions affiliated to Central Trade Unions has been initiated as per directives of the Ministry of Labour & Employment. Three meetings of the Standing Committee on General Verification have been held so far under the Chairmanship of Chief Labour Commissioner (Central). The date of restarting has been decided unanimously on 25.12.2011. The Standing Committee is in the process of finalizing the procedure for General Verification.

Code of Discipline

3.13 The verification of membership of unions operating in establishments in central sphere is conducted 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.

3.14 In the year 2010-11, the verification of membership of unions operating in thirteen establishments was conducted through Secret Office. The establishments were (i) M/s NTPC Parathia, West Bengal (ii) M/s Shakti Gas Management Board, Tinsukia, Purulia, (iii) M/s BPT, Mumbai (iv) M/s M.P.C., Bhopal (v) M/s Bharat Aluminium Ltd., Madhya Pradesh, Andhra Pradesh (vi) M/s Bector Thermal Power Station (NTPC), Durg (vii) M/s Nuclear Power Corporation of India Ltd., Rewari/Rajasthan (viii) M/s Indian Railways Ltd., Mumbai (ix) M/s Central Warehousing Corporation (x) M/s Indian Telephone Industries Ltd., Maharashtra (Jharkhand) (xi) M/s Vindhya Board of Shakti Gas Management Board, Chondigarh (xii) M/s Indian Railways Ltd., Meerut/Jharkhand, Patna, Karnataka, Tamil Nadu (xiii) M/s NTPC Corporation, Ramagundam.

3.15 In the year 2011-12 (upto 30.09.2011) the verification of membership of Unions operating in four establishments was conducted through Secret Office. The establishments are Mines of Iron Ore (a, b) Hindalco, Orissa, M/s Hindalco Aluminium Ltd., Hyderabad, M/s Delhi M/s Sahara, Delhi and M/s ONGC, Patna.

STATUTORY VERIFICATION OF MEMBERSHIP OF UNIONS OPERATING IN NATIONALIZED BANKS

3.16 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 Nationalized Banks for determining the Majority status to identify Representative union and for the purpose of constitution of Workmen Employee Director on the Boards of Directors of the Banks vide its notification dated 19.11.2018. 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. As appeal lies against the report of the Designated Officer before the Appellate Authority, if the difference in membership is excluded or rejected, is more than five percent of the total authorized employee strength of the bank or to change the status of the representative union. Appellate Authority for the above purpose is the Central Government or the Deputy Chief Labour Commissioner (Central), Ministry of Labour & Employment.

THE RIGHT TO INFORMATION ACT, 2005

3.17 About 207 petitions including those forwarded by Ministry of Labour & Employment to C.I.C.C.C. organization were disposed off as per the provisions of the Right to Information Act, 2005.

INCIDENTAL FUNCTIONS

3.18 The C.I.C.C. also performs the following miscellaneous functions:-

1. Conducting periodic meetings of Minimum Wage Advisory Board and notifying various Orders/Amendments every six months as per A.I.C.R.I. system.
2. Defending the Ministry of Labour and Employment in various Writ Petitions filed against the Ministry in different High Courts.
3. Investigations of Complaints as per direction of the Ministry of Labour and Employment.
4. Assisting Central Advisory Council Labour Board as secretary of different sub-committees to examine prohibition of contract Labour in different employments.
5. Assisting the Ministry in preparation of different reports required to be submitted to International Labour Organisation.

6. Supplying information to the Ministry in regard to Parliament Questions on matters referred by C.I.C.C. organization.
7. Assisting the 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 the advice of the Ministry.
9. Keeping Liaison with State Government Labour Departments for collection of information as per direction of the Ministry.
10. Assisting the Ministry of Labour and Employment in training of Central Labour Service Officers.

WELFARE

3.19 The Assistant Labour Welfare Commissioners (A.L.W.Cs) and Deputy Labour Welfare Commissioners (D.L.W.Cs) are posted in Defence and other establishments, such as CPWD, Security Forces, MHA, Ordnance Factories, Telecom Factories, and Hospitals etc., which are under the control of Central Government. The Labour Welfare Commissioners (L.W.Cs) are posted at the Head Quarters of these establishments. Together these officers ensure harmonious industrial relations in their respective establishments. They also look after the welfare and removal of grievances of the workers, administration of Welfare Schemes and advise the managements on various Labour matters including constitution of Statutory committees, such as Shop Councils, Works Committees etc.

MAJOR INDUSTRIAL RELATIONS EVENTS DURING THE YEAR 2011-12 (Main August, 2011) IN WHICH C.I.C.C. PLAYED IMPORTANT ROLE

BANKS

3.20 The General Secretary, Industrial Development Bank of India (GSI) Karamchand Singh, Hyderabad State, served a strike notice to stop the operations on 28.04.2011. After personal efforts of A.I.C.C.C. Mumbai, the union agreed to withdraw the proposed strike.

3.21 The General Secretary, All India Credit Bank Workers Organization and General Secretary, All India Credit Bank Officers Organization, New Delhi, served strike notice. The strike was averted due to timely intervention by A.I.C.C.C. Mumbai.

3.23 The General Secretary, All India IAS Officers Federation (affiliated to AIKOC) Bengal, General Secretary, All India Gramin Bank Employees Congress (Kerala) and General Secretary, All India Gramin Bank Employees Congress, New Delhi served notice to go on strike on 05.08.2011 which was averted with the intervention of Dy. CLC(C)HQ.

3.23 Dy. CLC(C), Mumbai received strike notice dated 03.08.2011 served by the All India Industrial Development Bank Employees' Association. Dy. CLC(C), Mumbai intervened in the matter and held conciliation proceedings on 24.08.2011 and succeeded to settle the proposed strike.

3.24 The General Secretary, All India IIT-AMC Officers' Association, Mumbai served strike notice dated 03.08.2011. Dy. CLC(C), Mumbai held conciliation proceedings on 23.08.2011 and Association agreed to defer the strike.

POSTS

3.25 The President, Transport & Dock Workers Union, Mumbai and other unions (affiliated with five federations operating in major ports) served strike notice proposing to go on nationwide Dock strike on 08.08.2011. On the intervention of Dy. Chief Labour Commissioner (C), Mumbai the strike was withdrawn.

3.26 The management of Chennai Port Trust informed Dy. CLC(C), Chennai that from the 1st shift of 03.08.2011 a section of employees of the Traffic Department resorted to sudden stoppage of work and stopped the Wagon Movement with the issue of procession for the employees to the post of Captain in Traffic Department. Dy. CLC(C), Chennai intervened and Union agreed to call off the strike with immediate effect (i.e. 24.08.2011) and resumed their duties.

3.27 The Secretary, Cotton Port Employees' Organisation (CPEO) served a notice of strike which was averted with the intervention of Regional Labour Commissioner (C), Cochin.

3.28 The management of Kolkata Port Trust (KPT) and strike notice dated 28.08.2011 served to Kolkata Port Trust Workers Union. The strike was averted with the intervention of Dy. CLC(C), Kolkata.

3.29 The Paradip Port Workers Union and Paradip Port, Dredge & Construction Workers Union served a notice of strike which was averted with the intervention of Dy. CLC(C), Bhubaneswar.

AIR TRANSPORT

3.30 The General Secretary, Indian Commercial Pilots Association served a notice to the CMCIA India proposing to go on strike on 05.08.2011 over 12 point charter of demands. The Chief Labour Commissioner (Central) held conciliatory proceedings on 28.02.2011 and Indian Commercial Pilots Association agreed to defer the proposed strike.

3.31 Subsequently discussions were held on several dates. (media test efforts made by Chief Labour Commissioner (Central) on various dates, failure of conciliation was recorded, immediately after that the CPM went on strike from 27.04.2011. The matter was averted in conciliation and series of discussions were held on 28.04.2011, 02.05.2011, 05.05.2011, 08.05.2011, 13.05.2011. A request memorandum (RM) of the Industrial Trade Union, IATU was submitted to the Ministry.

COAL

3.32 The General Secretary, Singur's Collieries Workers Union, Andhra Pradesh served a notice dated 24.04.2011 on the management of Singur's Collieries Company Limited proposing to go on nationwide strike on or after 05.08.2011. Dy. CLC(C), Hyderabad intervened in the matter and on his persuasion the union deferred the proposed strike.

3.33 Singur's Collieries Workers Union (SITUC) (merged Union), Kolhapuram of M/s Singur's Collieries Co. Ltd., Kolhapuram (Andhra Pradesh), went on strike on 02.08.2011 during the pendency of conciliatory proceedings. However, after discussions and persuasion by Dy. CLC(C), Hyderabad, the union called off the strike on 02.08.2011.

3.34 Five Central Trade Unions viz. INTUC, AITUC, HMTU, BMS and CITU served strike notice proposing strike in the Coal Mines over 18 point charter of demands. Dy. CLC(C), Chennai held conciliation proceedings on 30.08.2011.

3.35 Five Central Trade Unions comprising INTUC, AITUC, HMTU, BMS & CITU operating in Coal industry jointly served a notice dated 24.07.2011 on the Chairman Coal India Ltd., Kolkata and the Chairman & Managing Director, Singur's Collieries Company Ltd., Hyderabad proposing to go on strike in the Coal mines in country wide during 8-10 August, 2011 to press their 27 point charter of demands. The Dy. CLC(C), Chennai held conciliation proceedings on 18.07.2011, 01.08.2011 and 07.08.2011 and on his persuasion the strike was averted.

POST & TELEGRAPH

3.26 The Department of Posts, Ministry of Communications and Information Technology, New Delhi informed that Postal and Parcel Division had given notice for indefinite strike from 05.07.2011 to press their joint charter of demands. Dy. CLC(C), Hyderabad intervened and on his persuasion, Settlement without the strike notice.

NON COAL MINES

National Aluminium Company Limited (NALCO)

3.27 The trade union operating in all the units of National Aluminium Company Limited (NALCO) in the State of Orissa reported to agitation as the bipartite level discussions on long term wage settlement had been failed. On the request of the management of NALCO, Dy. CLC(C), Bhubaneswar intervened and on the persuasion of Dy. CLC (C), Bhubaneswar, a Memorandum of Understanding was signed by the parties and harmony was restored.

GRANTE

3.28 A strike notice was served by the Chhota Nagpur Area Grants Workers Union (CNAGWU) on 24.05.2011 upon the Galaxy Grants workers association, Chhota Nagpur, Andhra Pradesh, proposing to go on strike on or after 08.06.2011 over a joint charter. A.L.C(C), Visakhapatnam intervened and on his efforts, settlement ensued.

ON

3.29 The Executive Director (F&E), BPOC, informed the CLC(C) that all the unions operating in BPOC, Marketing Division served notice proposing agitational programme followed by one day strike on 02.08.2011 to press their demands for long term wage revision. A.L.C(C), New Delhi, Kolkata, Chennai and Dy. CLC(C) (Mumbai) were advised to intervene for respective zone of the Marketing Division. All the A.L.C(C) and Dy. CLC(C) (Mumbai) held conciliation proceedings. In the meantime on the prayer of the management of BPOC, the Hon'ble High Court Delhi, Madras, Mumbai and Kolkata prohibited the strike. Accordingly, the unions did not resort to strike on 02.08.2011.

RAILWAYS

3.30 All India Railway Workers' Association had served strike notice dated 04.08.2011 on the Chairman, Railway Board, New Delhi, proposing to call a strike by stopping all trains at all signals for two

months on 08.08.2011. Dy. CLC(C) (Hydr.) intervened and held conciliation proceedings on 08.08.2011. After prolonged discussion and on his persuasion, the Association agreed to defer the proposed strike.

POWER (NTPC)

3.31 The Joint Action Committee comprising of F&E, BMS, ICLC and CITU served a Notice dated 02.07.2011 on the General Manager, NTPC Ltd, Bhubaneswar, proposing to go on strike why time after time since the three parties to press their joint charter of demands. The A.L.C(C), Madras intervened and held conciliation proceedings on 10.08.2011 and the arrangement not to strike during the pendency of conciliation proceedings.

MEMORANDUM OF SETTLEMENT (THERIPITE)

3.32 On the intervention of A.L.C(C), Chennai, a Memorandum of Settlement was signed between the Management of V.O. Chelvanarasimhan Port Trust, Tuticorin and the Union of Tuticorin Port Trust Cargo Handling Labour Force (TPTCHLFLF) on 27.07.2011 (revoked on 02.08.2011). In the settlement, 600 workers would benefit by way of acquiring the status of Government Employees. In addition to the strike, each worker may also be benefited by Rs.1,200/- per month. Further, the total amount by which the workers are to be benefited is about Rs.2.52 crore per annum.

VISION STATEMENT OF CLC(C) ORGANISATION

- Conflict free Industrial Relations in the various spheres.
- Improving Conciliation services and enforcement of Labour Laws through training and strengthening of enforcement machinery.
- To further improve conciliation services, administrative 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 interactions with them.
- To secure national minimum wages for workers in all employers.
- 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.

THE TRADE UNIONS ACT, 1928

3.43 The Trade Unions Act, 1928 provides provisions for registration of trade unions of employers and workers and in certain respects, it defines the law relating to registered trade unions. It covers legal and corporate status of registered trade unions. The Act is administered by the concerned State Governments.

3.44 The Trade Unions Act, 1928 has been last amended and enforced w.e.f. 08.01.2012. The objective of these amendments, in brief, is to ensure orderly growth of trade unions and reduce multiplicity of trade unions and promote internal democracy.

THE INDUSTRIAL DISPUTES ACT, 1947

3.45 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 unity and good relations between the employer and workmen; investigation and settlement of industrial disputes between employers and employees, employers and workmen or workmen and workmen; prevention of illegal strikes and lock-outs; relief to workmen in the matter of lay-off and re-employment; and collective bargaining.

3.46 After detailed discussions with stakeholders, the Government has amended the Industrial Disputes Act, 1947 vide the Industrial Disputes (Amendment) Act, 2015. The amended provisions have come into force w.e.f. 18.8.2016. The amended Act inter-alia provides for:

- Amendment of the term "appropriate Government" defined under section 3(a) of the Act to signify the issuing definition.
- Enhancement of wage ceiling of a workman from one thousand six hundred rupees per month to ten thousand rupees per month under section 3(a) 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.
- Expanding the scope of qualifications of

Presiding Officers of Labour Courts or Tribunals under sections 7 and 13 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 assess the awards, orders of settlement arrived at by Labour Court or Tribunal.

THE PLANTATIONS LABOUR ACT, 1951

3.47 The Plantations Labour Act, 1951 is a central Act enacted by the Union Government in 1951. The Act is in operation since 1954. The Act is enforced by the respective States, who designate Chief Inspectors under the Act. The Chief Inspectors under the Act, on the basis of rules framed by the respective State Governments, ensure implementation of welfare measures relating to medical facilities, educational facility, housing facilities, drinking water facility, sanitation and conservancy etc. for plantation workers. However, since 1951 the socio-economic conditions, the infrastructure facilities and the welfare activities of the State have become significantly

3.48 After detailed discussions with stakeholders, the Government has amended the Plantations Labour Act, 1951 vide the Plantations Labour (Amendment) Act, 2015. The amended provisions have come into force w.e.f. 07.08.2016. The amended Act inter-alia provides for:

- Definition of 'employer' has been made broad-based so as to fix the responsibility on the Director, Partners, Lessee or the Officers of the Government entrusted with the management of the plantation.
- Definition of 'family' has been made gender neutral to remove the distinction between the family of a male and the female worker for availing dependent's benefits.
- The scope of definition of 'worker' has been enlarged by enhancing wage ceiling from Rs.700 to Rs.15,000 per month. Contract workers who have worked more than 90 days in a year have also been included within the ambit of the Act. With this, such worker will also be able to avail the benefits as provided in the Act.