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**STANDING COMMITTEE ON LABOUR, TEXTILES AND  
SKILL DEVELOPMENT**

**(2022-23)**

**(SEVENTEENTH LOK SABHA)**

**MINISTRY OF LABOUR & EMPLOYMENT**

**Action Taken by the Government on the Observations/  
Recommendations of the Committee contained in their Forty-First  
Report (Seventeenth Lok Sabha) on Demands for Grants (2023-24) of  
the Ministry of Labour & Employment.**

**FORTY-SIXTH REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**July, 2023/ Ashadha, 1945 (Saka)**

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the Ministry of Labour & Employment.**

***Presented to Lok Sabha on 21.07.2023***

***Laid in Rajya Sabha on 21.07.2023***



***LOK SABHA SECRETARIAT***

***NEW DELHI***

**July, 2023/ Ashadha, 1945 (Saka)**

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\* Not appended with this cyclostyled copy.

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR, TEXTILES AND  
SKILL DEVELOPMENT**

**(2022-23)**

**Shri Bhartruhari Mahtab - Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Pallab Lochan Das
5. Shri Feroze Varun Gandhi
6. Shri Satish Kumar Gautam
7. Shri Bache Gowda B.N.
8. Dr. Umesh G. Jadhav
9. Shri Dharmendra Kumar Kashyap
10. Adv. Dean Kuriakose
11. Shri Pakauri Lal
12. Prof. Sanjay Sadashivrao Mandlik
13. Shri Dayakar Pasunoori
14. Shri Khalilur Rahaman
15. Dr. D. Ravikumar
16. Shri Naba (Hira) Kumar Sarania
17. Shri Bhola Singh
18. Shri Ganesh Singh
19. Shri Nayab Singh
20. Shri K. Subbarayan
21. Shri Giridhari Yadav

**RAJYA SABHA**

22. Shri Naresh Bansal
23. Shri Neeraj Dangi
24. Shri R. Dharmar
25. Prof. Manoj Kumar Jha
26. Shri Elamaram Kareem
27. Ms. Dola Sen
28. Shri M. Shanmugam
29. Shri Shibu Soren
30. Shri Vijay Pal Singh Tomar
31. Shri Binoy Viswam

**SECRETARIAT**

- |    |                         |   |                      |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2  | Shri Sanjay Sethi       | - | Director             |

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Labour, Textiles and Skill Development (2022-23) having been authorized by the Committee, present on their behalf this Forty-Sixth Report on Action Taken by the Government on the Observations/ Recommendations of the Committee contained in their Forty-First Report (Seventeenth Lok Sabha) on Demands for Grants (2023-24) of the Ministry of Labour & Employment.

2. The Forty-First Report was presented to Lok Sabha and laid in Rajya Sabha on 13<sup>th</sup> March, 2023. The Ministry of Labour & Employment furnished their replies on 9<sup>th</sup> June, 2023 indicating Action Taken on the Observations/ Recommendations contained in the Forty-First Report. The Committee considered and adopted the Draft Report at their sitting held on 17<sup>th</sup> July, 2023.

3. An analysis of the action taken by the Government on the Observations/ Recommendations contained in the Forty-First Report (Seventeenth Lok Sabha) is given at Appendix-II.

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

**New Delhi;**  
**17 July, 2023**  
**26 Ashadha, 1944 (Saka )**

**BHARTRUHARI MAHTAB**  
**CHAIRPERSON**  
**STANDING COMMITTEE ON LABOUR,**  
**TEXTILES AND SKILL DEVELOPMENT**

## CHAPTER- I

### REPORT

This Report deals with the action taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-First Report (Seventeenth Lok Sabha) on 'Demands for Grants (2023-24)' of the Ministry of Labour & Employment.

2. The Forty-First Report was presented to Lok Sabha/ laid in Rajya Sabha on 13<sup>th</sup> March, 2023. It contained 38 Observations/Recommendations. Replies of Government in respect of all the recommendations have been received and are categorized as under:-

- |   |   |
|---|---|
| (i) Recommendations/Observations which have been accepted by the Government – <b>Rec. Para No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36 and 37</b> | <b>Chapter II<br/>Total:33<br/>Percentage:86.84</b> |
| (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply – <b>Nil</b>  | <b>Chapter III<br/>Total:00<br/>Percentage:0.0</b>  |
| (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – <b>Rec. Para Nos. 15, 16 and 30</b>                                    | <b>Chapter IV<br/>Total:03<br/>Percentage:7.90</b>  |
| (iv) Recommendations/Observations in respect of which replies of the Government are interim in nature – <b>Rec. Para Nos. 32 and 38.</b>  | <b>Chapter V<br/>Total:02<br/>Percentage:5.26</b>   |

3. **The Committee desire that Action Taken Notes in respect of Observations/ Recommendations contained in Chapter-I and final action taken reply in respect of the Recommendations contained in Chapter V of this Report, for which interim reply has been given by the Government, be furnished to them at the earliest.**

**4. The Committee will now deal with some of their earlier Observations/ Recommendations which either require reiteration or merit further comments.**

**I. OVERALL FINANCIAL PERFORMANCE**

**(Recommendation Para Nos. 1, 2 and 4)**

5. In their Forty-First Report, the Committee noted that a total amount of Rs.16,893.68 crore was allocated as BE 2022-23, which was decreased to Rs.16,117.65 crore at RE stage whereas the actual expenditure incurred as on 21.02.2023 was Rs.13,092.99 crore, which was 81.23% of the RE amount. The scheme wise analysis of utilization of funds for the fiscal 2022-23 upto 13.02.2023 revealed that the Employee's Pension Scheme (EPS) and National Career Services (NCS) were the only Schemes which recorded expenditure upto 90% vis-à-vis RE provisioning whereas for most other Schemes, the percentage utilization had been substantially low. In case of PMSYM, NDUW, Labour Welfare Schemes and Rehabilitation of Bonded Labour, the utilization recorded had been 26.66%, 30.02%, 30.63% and 48.30% respectively vis-à-vis the budget provisioning. The Committee were apprised that 90% of the RE will be utilized by the end of financial year 2022-23. Observing that gross under-utilization of the funds had impacted the performance of certain schemes thereby defeating the laudable intent of these schemes in benefitting the targeted groups, the Committee impressed upon the Ministry to leverage their spending pattern on such schemes where the utilisation percentage is not upto-the-mark so as to ensure optimal achievement of the 2022-23 allocations by the close of the Financial Year, 2022-23.

6. The Committee also noted that for the fiscal 2022-23, utilization of funds had been very low in the fourth Quarter of the year as compared to the previous three quarters. The Committee found that the Ministry had been left with Rs.3024.66 crore to be spent after 21.02.2023 by the close of the Financial Year. The Committee emphasized that the endeavour of the Ministry should be to evenly utilize the budget allocations across all quarters of the Financial Year so that implementation of various schemes is carried out impactfully and is not hampered. The Committee trust that there is no shortfall in expenditure and the schemes under implementation are not adversely impacted due to under-utilisation.

7. The Committee further noted that an allocation of Rs.10,260.62 crore had been received in March 2022 as a supplementary grant for clearing pending dues of EPF. The Ministry had informed that there had been accumulation of arrears due to shortfall in allocation over the years from 1995 onwards to the tune of the said amount of over Rs.10,260.62 crore. Observing that the year-wise outgo towards the liability towards EPF ought to have been worked out objectively and the accumulation of arrears which totaled to a substantial amount, avoided, the Committee desired that the Ministry endeavour to ensure that practices that are indicative of poor financial management are avoided.

8. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“Most of the schemes of the MoLE are demand driven schemes and expenditure under these schemes depend on the demand received. All divisions of MoLE have been directed to ensure optimized budget by fixing quarterly and monthly targets. Pace of expenditure is also reviewed by Secretary/FA level on weekly basis.

All out efforts were made to utilize remaining budget to maximum extent resulting in enhancement of expenditure under PMSYM from 26.66% in Feb-23 to 77.12%, Labour Welfare Scheme from 30.63% to 67.33% by the end of the financial year.”

“...No adverse effect is anticipated on the schemes due to less expenditure.

The Ministry is strictly adhering to the Budget Division (Ministry of Finance) guidelines in regard to ceiling limit of expenditure to achieve the even pace of expenditure. Expenditure under all quarters of FY 2022-23 was evenly paced. Details of quarter wise expenditure are as under:

|       |                  |
|-------|------------------|
| QTR-1 | Rs. 3,634.47 cr  |
| QTR-2 | Rs. 4,172.85 cr  |
| QTR-3 | Rs. 3,413.85 cr  |
| QTR-4 | Rs. 3,578.92 cr  |
| Total | Rs. 14,800.09 cr |

The Ministry had proposed its estimated demand every year. However, budget allocations could be made only as per allotments received from DoE, MoF. As a result there had been accumulation of arrears due to shortfall in allocation over the years from 1995 onwards to the tune of Rs. 10589.20 crore as on 31.03.2021. MoLE sought a cash supplementary demand for Rs. 10260.62 crore



to clear the entire accumulated liability and same was approved by the Ministry of Finance.

Long pending dues of the EPF have thus been cleared. Recommendations of the Committee for commensurate financial management have been duly noted. Additional budget was made available to clear liability that arose in March, 2023 over and above BE 2022-23. In future also efforts will be made to clear the liability of EPF in the same financial year.”

**9. During 2022-23, the actual expenditure of the Ministry was Rs.14,800.09 crore, which amounts to 91.82% of the RE amount of Rs.16,117.65 crore, thereby leaving an unspent balance of Rs.1317.56 crore. As per the Ministry, most of the Schemes are demand driven and expenditure under the Schemes depends on the demand, and the lower than the budgeted expenditure incurred during the year had no adverse effect on the schemes. The grounds/justification given for under-utilization of funds to the tune of Rs.1317.56 crore during the year are not convincing. The reduction in the allocation at RE stage and huge unspent balance at the end of the financial year does not reflect positively on financial management. Besides, it raises questions on the effectiveness of weekly reviews undertaken by the Ministry to monitor the pace of expenditure. The Committee, therefore, impress upon the Ministry to take prudent budgetary management measures and seriously look into the constraints that impede smooth implementation of Schemes. This would enable the Ministry in securing the requisite allocations at the stage of budgetary proposals in future.**

**10. The Committee are happy to note that the dues on account of EPF arrears pending since 1995 have since been cleared in 2022 and trust that the assurance given by the Ministry that in future efforts will be made to clear the liability of EPF in the same financial year will be met.**

## **II. NATIONAL CAREER SERVICES (NCS)**

### **(Recommendation Para No. 9)**

11. In their earlier Report, the Committee noted that National Career Services (NCS) portal has three main quantifiable data sets viz. number of job seekers registered, number of employers registered and number of vacancies mobilized. However, the data regarding placement of shortlisted candidates has not been made available on the portal as the reporting of hiring figure by employees/placement data is not mandatory.

Observing that in the absence of empirical/quantifiable data of direct employment generated through the NCS portal, accurate assessment of the outcome of the Project cannot be done, the Committee recommended that the scope of NCS portal be further enhanced to capture placements so as to gauge the effectiveness of the Scheme in the delivery of employment services to job seekers and employers besides helping in achieving objectives of the NCS Project.

12. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“As on 31.03.2023, 12.87 lakh jobseekers are registered with the Model Career Centres (MCCs). However, total registration on NCS portal, since inception, is about 3 Crore. Further, 57.17 lakh candidates were shortlisted by employers from the NCS Portal during FY 2022-23 (till 31.03.2023).

In respect of the recommendations of the Committee that the scope of NCS portal be further enhanced to capture placements so as to generate data pertaining to job placements vis-à-vis registration/shortlisted candidates which will gauge the effectiveness of the Scheme, it is submitted that the data on shortlisted/ placed candidates is collected from the employers on voluntary basis and also the services of the call centre are used to collect the information from jobseekers and employers. The employers are also being regularly motivated for posting the placement of candidates on NCS Portal and simultaneously ensuring free and transparent intervention in the process of selection of the candidates. However, though the reporting of selected candidates is voluntary, the Ministry will put the best efforts to capture the placement figures from the employers.”

**13. Taking cognizance of the assurance of the Ministry for taking measures towards capturing job placement figures from the employers, the Committee expect that earnest efforts would be made in this direction and the data regarding placement of shortlisted candidates will soon be generated and made available. The Committee would like to be apprised of the progress of the measures taken in this regard and making the data pertaining to job placements available on the National Career Services Portal.**

### **III. AATMANIRBHAR BHARAT ROJGAR YOJANA (ABRY)**

#### **(Recommendation Para Nos. 15 and 16)**

14. In their earlier Report, the Committee noted that as on 07.01.2023, total benefits of Rs.8210.10 crore was given to 60.20 lakh beneficiaries through 1.52 lakh establishments and the total registrations stood at 75.10 lakh since the closing date of

the Aatmanirbhar Bharat Rojgar Yojana (ABRY) Scheme viz 31.03.2022. The Ministry stated that the remaining 14.90 lakh employees were not provided any benefits as they did not fulfill the eligibility criteria. The Committee were apprised that even if a single person had left employment, the eligibility criteria is not met. Further, if the wages increase the threshold of Rs.15000 p.m., then too, the eligibility is not met. On account of the stipulations, many enterprises had not come forward to seek this aid and consequently the projections had not been met. The Committee desired that the fulfillment of eligibility conditions specified for availing the benefits under the ABRY could be considered for being relaxed to some extent at least as 14.90 lakh employees had been left out of availing the benefits under the scheme due to factors such as, lack of awareness or the complexity of the stipulations. The Committee, therefore, recommended that the Ministry ought to look into these issues of non-coverage of such beneficiaries so that the purpose of extending social security benefits to the employers/employees is met to the fullest extent.

15. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“As per the provision under the scheme, the registration process for taking the benefits has already ended on 31.03.2022. However, those employees who have registered under ABRY scheme till 31.03.2022 but have not availed ABRY benefits due to non-fulfillment of eligibility conditions have been allowed to receive benefits upon employment in any eligible establishments and fulfilling other eligibility criteria.”

16. The Committee also noted that during 2022-23, BE of Rs.6,400 crore was reduced to Rs.5,758.06 crore at RE stage and the actual expenditure as on 13.02.2023 was Rs.4,188 crore. The Ministry had assured that Rs.4,700 crore was expected to be utilized by 31.03.2023, thereby leaving around Rs.1,058.06 crore unutilized during the year. The Committee, had therefore, urged the Ministry that the constraints that may have been impeding the implementation of the Scheme be looked into so as to ensure optimum utilization of funds and effective execution of the Scheme.

17. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“As on 31.03.2023, the total expenditure of Rs 4636 Crore under ABRY has been incurred. The ABRY is a demand driven scheme and the actual disbursement of benefits is contingent upon fulfillment of specific eligibility conditions by the

beneficiary establishments & employees on month-to-month basis. The variation in the demand/utilization of fund is due to non-fulfillment of eligibility conditions.”

**18. The Committee note from the reply of the Ministry that such employees who have registered under ABRY scheme till 31.03.2022 but have not availed the benefits due to factors such as non-fulfillment of eligibility conditions have been allowed to receive the benefits upon securing employment in any eligible establishment and fulfilling other eligibility criteria. The reply does not specifically mention whether these employees include the 14.90 lakh employees, who, as observed by the Committee in their earlier Report, were left out from availing benefits under the Scheme due to factors such as lack of awareness, or complexity of the eligibility stipulations. The Committee, therefore, reiterate the need for having a re-look at the eligibility conditions specified for availing the benefits under the Scheme so as to ensure that the benefits are gainfully extended to all the employers/employees who were left out.**

**19. The Committee also note that out of RE of Rs. 5758.06 crore earmarked for the scheme during 2022-23 only Rs.4636 crore could be utilized upto 31.03.2023, thereby leaving an unspent balance of Rs. 1122.06 crore. The Committee desire that a study be conducted to objectively assess the effectiveness with which scheme has been implemented and achievement of the objectives envisaged.**

#### **IV. SOCIAL SECURITY FOR PLANTATION WORKERS IN ASSAM**

##### **(Recommendation Para No. 23)**

20. In their earlier Report, the Committee noted that as per the baseline survey conducted by Tea Board in 2018, there were 11,65,815 tea plantation workers in 14 States out of which 7,02,832 are permanent and the remaining 4,62,983 are temporary workers. Assam and West Bengal have maximum tea plantation workers viz. 7,33,647 and 3,40,635 respectively. The Committee desired that the database of tea plantation workers be updated and steps taken to provide welfare measures and decent working conditions to both permanent and temporary workers through speedy implementation of the welfare and social security related provisions of the Labour Codes. The Committee also desired that a Social Security Scheme on lines similar to the Scheme dealt with by ATEPFO for plantation workers in Assam be formulated in respect of plantation workers of other places/States as well.

21. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“The baseline survey, carried out in the year 2018, has been updated in the year 2022. The primary objective of the baseline survey is to identify the number of gardens, area under tea cultivation etc. As per the baseline survey conducted in the year 2022 by the Tea Board, a statutory body under the aegis of the Ministry of Commerce and Industry, Department of Commerce, the details of tea plantation workers are as under :

| Sl. No | State       | No of workers |           |        |
|--------|-------------|---------------|-----------|--------|
|        |             | Permanent     | Temporary | Total  |
| 1      | Assam       | 386535        | 351676    | 738211 |
| 2      | West Bengal | 238775        | 94608     | 333383 |

Further, Social Security Schemes of tea plantation workers for the State of Assam is covered through Assam Tea Employees Provident Fund Organisation (ATEPFO) under Assam Act X of 1955 and the plantation workers of other places/States are already covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.”

**22. The reply of the Ministry does not touch upon the steps being taken for providing appropriate welfare measures and decent working conditions to both permanent and temporary tea plantation workers through speedy implementation of the welfare and social security related provisions of the Labour Codes. The Committee, therefore, reiterate their earlier recommendation and desire that the matter be accorded utmost priority with a view to safeguarding the interests of the tea plantation workers.**

**V. CENTRAL SECTOR SCHEME FOR REHABILITATION OF BONDED LABOUR, 2021**

**(Recommendation Para Nos. 25 and 26)**

23. In their earlier Report, the Committee noted that a bid was floated on GeM portal to identify the agency for development of National Portal on Bonded Labour. However, the selection process could not be materialized. The Committee, desired that the Ministry intensify the efforts towards establishing the National Portal on Bonded Labour so that the welfare measures prescribed for bonded labour are well disseminated and benefits are truly and accurately extended to them.

24. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“The recommendation of the Committee has been noted for compliance. The Ministry is in consultation with concerned Stakeholders.”

25. The Committee also found that in addition to financial assistance, non-cash assistance like allotment of houses and agricultural land, educational facilities to the children, etc. are provided to the bonded labour. The Committee noted that while the Ministry maintains the details of financial assistance, the non-cash assistance falling under the purview of State Government is not maintained by the Ministry. The Committee impressed upon the Ministry to take measures towards enabling collection of the information from respective State Governments and maintain a central database of all types of assistance being provided to the rescued bonded labour so as to take suitable corrective action as and when required.

26. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“The Ministry of Labour & Employment has been maintaining the State/UT-wise details of financial assistance provided to the rescued bonded labourers. State Governments have been requested to provide details of non-cash assistance provided to the rescued bonded labourers so that database can be prepared at central level.”

**27. The Committee note that for developing the National Portal on Bonded Labour, the Ministry is in consultation with the stakeholders concerned. The measures initiated in this direction are appreciable. In view of the importance of the data to be collated/maintained, the Committee call upon the Ministry to intensify the efforts already initiated besides exploring other innovative measures so that the National Portal on Bonded Labour is made functional at the earliest. The Committee also impress upon the Ministry to coordinate and obtain the requisite details of non-cash assistance being provided by State Governments to the rescued bonded labourers so that a comprehensive database on the assistance being provided to rescued bonded labourers is maintained.**

**VI. EMPLOYEES’ PROVIDENT FUND ORGANISATION (EPFO)**

**(Recommendation Para Nos. 30 and 32)**

28. In their earlier Report, the Committee noted that Gig and Platform Workers do not come under the purview of EPF&MP Act 1952 which is administered by Employees' Provident Fund Organisation (EPFO). The Centre for Labour Studies, National Law School of India University, Bangalore had been engaged for assistance in framing of a new Scheme for the Gig & Platform workers as well as workers in the unorganized Sector and Memorandum of Understanding (MoU) had also been signed by EPFO with NLSIU on 23.01.2023. As most of the work in this connection had been completed, the Committee exhorted the Ministry to expedite the process so that a Scheme exclusively for Gig and Platform Workers is made operational and put in place as recommended by the Committee and as envisaged in the Code on Social Security, 2020.

29. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“The considered views of the Hon'ble Committee are noted.”

30. The Committee had also noted that the implications of the judgement of Hon'ble Supreme Court dated 04.11.2022 on Employees' Pension Scheme had not been factored into while formulating the BE 2023-24 allocation of the Ministry as the same was prepared in September, 2022. The Committee had impressed upon the Ministry to assess and work out the likely financial implication on implementing the judgement and approach the Ministry of Finance for additional funds, as may be needed so as to enable timely payment of amounts that may become due.

31. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“As per directions contained in paragraph 44(ix) read with paragraph 44(v) and (vi) of the Hon'ble Supreme judgment dated 04.11.2022, online applications were called by Employees' Provident Fund Organisation (EPFO) on 29.12.2022 from pensioners who had retired before 01.09.2014 and had exercised joint option for contributing in pension fund on salary exceeding wage ceiling before their retirement but whose joint options were rejected by the EPFO (on account of cut-off date). Joint options were to be filed on or before 03.03.2023. The date was extended up to 03.05.2023, which has been further extended up to 26.06.2023.

Further, as per directions contained in paragraph 44(iii) & paragraph 44 (iv) read with paragraph 44(v) of the judgment of Hon'ble Supreme Court dated 04.11.2022, instructions have been issued by EPFO on 20.02.2023 for online joint options to be filed by the employees who were in service prior to 01.09.2014

and continued to be in service on or after 01.09.2014 but could not exercise joint option under erstwhile proviso to paragraph 11(3) of Employees' Pension Scheme (EPS), 1995. Joint options were to be filed on or before 03.05.2023, which has been extended up to 26.06.2023.

The quantum of monthly pension pay out for such pensioners will depend upon the number of eligible members exercising the option for pension at higher salary. The pension is paid to the members from the corpus maintained as per the provisions of EPS, 1995.”

**32. The reply of the Ministry is silent on the specific measures contemplated for framing a Scheme exclusively for Gig and Platform Workers as well as workers of the unorganized sector in connection with which, a Memorandum of Understanding (MoU) has been signed by EPFO with National Law School of India University(NLSIU), Bangalore. The Committee, therefore, reiterate their earlier recommendation and stress that appropriate Scheme(s) be formulated and operationalised for the benefit of Gig and Platform Workers at the earliest. The Committee desire to be kept apprised of the measures taken and progress made in this direction.**

**33. The Committee have also been apprised that as per directions contained in judgement dated 04.11.2022 of the Hon'ble Supreme Court, on-line applications have been called by Employees' Provident Fund Organisation (EPFO) on 29.12.2022 from pensioners who had retired before 01.09.2014 and had exercised joint option for contributing to the pension fund on salary exceeding the wage ceiling before their retirement but whose options were rejected by the EPFO (on account of cut-off date). Also, instructions have been issued on 20.02.2023 for submission of on-line joint options by the employees who were in service prior to 01.09.2014 and continued to be in service on or after 01.09.2014 but could not exercise the joint option under the erstwhile stipulations of the Employees' Pension Scheme (EPS), 1995. By way of taking credence of the representations of the employees, the last date for submitting the Joint options was extended more than once.**

**34 The Committee infer that a large number of applications for validation of Option/Joint Options might have been received by EPFO and some of the eligible pensioners/members might have been facing difficulties on account of factors**



such as up-dation of KYC/submitting applications on-line or other related issues. Some representations might have been received by EPFO from serving/retired employees/employees' Associations as well as Employers/Employers' Associations. The Committee desire that such cases/grievances/ representations/ requests be considered sympathetically, examined from legal/administrative view-points and resolved so as to be in tune with the judgement of Hon'ble Supreme Court dated 04.11.2022.

35. In the context of submission of the Ministry that the quantum of monthly pension pay out for pensioners will depend upon the number of eligible members exercising the option for pension at higher salary, the Committee trust that the Ministry/EPFO would expeditiously work out the financial implications and ensure availability of requisite funds for the purpose during 2023-24.

## **VII. EMPLOYEES STATE INSURANCE CORPORATION (ESIC)**

### **(Recommendation Para No. 34)**

36. In their earlier Report, the Committee noted that Employees State Insurance Corporation (ESIC) had given in-principle approval for setting up of 76 new ESI hospitals in 24 States/UTs. In addition, 44 Dispensary-cum-Branch Offices (DCBO) and 180 ESIS Dispensaries had also been sanctioned till September, 2022. While appreciating the decision for setting up of new Hospitals and Dispensaries as a step in right direction, the Committee expressed concern over the existing vacancies of doctors/nurses and paramedical staff in some of the hospitals, which, as admitted by the Ministry/ESIC had affected the functioning of Hospitals/Dispensaries and also led to overcrowding of patients. The Committee also observed that a number of doctors and other paramedical staff are working in various ESIC Hospitals and Dispensaries on ad-hoc or contractual basis, especially the Ayurvedic doctors. The Committee, had therefore, impressed upon the Ministry to accord utmost priority to fill up the existing vacancies, ensure setting up of new Hospitals and Dispensaries in a time-bound manner and also take appropriate measures for regularization of doctors and paramedical staff working on ad-hoc or contractual basis.

37. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:

“Posts of 1120 GDMOs were announced in Dec, 2021 and the recruitment process is in progress. Similarly, the recruitment process for 115 posts of Associate Professor and 491 Assistant Professor is also being undertaken. Also, offer of appointments to 40 candidates have been issued in the Specialist cadre for various ESIC institutions. Apart from this, Medical Superintendents have been empowered to hire doctors/nursing/paramedical staff on contractual basis as per need.

With regard to appropriate measures to be taken for regularization of doctors and paramedical staff working on ad-hoc or contractual basis, they are always eligible for participating in the procedure for recruitment on regular basis.”

**38. The Committee, upon taking cognizance of the efforts being made by the Ministry/Employees State Insurance Corporation (ESIC) to fill up vacancies in various grades/posts in ESIC hospitals/dispensaries recommend that 1120 posts of GDMOs, 115 posts of Associate Professor, 491 posts of Assistant Professor and 40 posts of Specialists for which recruitment is underway/being undertaken/offers of appointment issued, be filled without further loss of time. This would be in the best interest of the ESIC. The Committee also desire that earnest efforts be made to expeditiously fill up the vacancies in other grades for which recruitment process is yet to be initiated so as to further improve the functioning of the hospitals/dispensaries and enable in providing better facilities to the patients.**

**39. The Ministry has not furnished response to the recommendation for taking steps to ensure setting up 76 new ESI hospitals, 44 Dispensary-cum Branch Offices (DCBO) and 180 ESIS dispensaries in a time bound manner. The Committee desire that urgent action be taken by the Ministry/ESIC in this regard. The Committee also express the need on the part of the Ministry to adhere to the stipulated procedure and consider the recommendations of the Committee with due diligence.**

**40. The Committee further desire that while undertaking the exercise to fill up regular posts, the doctors/nursing/para medical staff appointed on contractual basis, especially during COVID-19 pandemic, be granted due weightage and**

accorded priority in regular appointment. This would not only be appropriate but also needed in view of the similarity in the nature of duties performed by the contractual *vis-a-vis* regular appointees and the on-the-job learning/experience of the contractual employees.

**New Delhi;**  
**17 July, 2023**  
**26 Ashadha, 1944 (Saka )**

**BHARTRUHARI MAHTAB**  
**CHAIRPERSON**  
**STANDING COMMITTEE ON LABOUR,**  
**TEXTILES AND SKILL DEVELOPMENT**

## (Vide Para No. 3 of the Introduction)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON OBSERVATIONS/  
RECOMMENDATIONS CONTAINED IN THE FORTY-FIRST REPORT  
(SEVENTEENTH LOK SABHA) OF THE STANDING COMMITTEE ON LABOUR,  
TEXTILES AND SKILL DEVELOPMENT**

|  | <b>Total</b> | <b>Percentage</b> |
|--|--------------|-------------------|
| <b>I.</b> Total number of Recommendations  | <b>38</b>    |                   |
| <b>II.</b> Recommendations/Observations which have been accepted by the Government – <b>Rec. Para No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 36 and 37</b> | <b>33</b>    | <b>86.84%</b>     |
| <b>III.</b> Recommendations/Observations which the Committee do not desire to pursue in view of the Government’s reply – <b>Nil</b>  | <b>00</b>    | <b>00%</b>        |
| <b>IV</b> Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – <b>Rec. Para Nos. 15, 16 and 30</b>                                       | <b>03</b>    | <b>7.90%</b>      |
| <b>V</b> Recommendations/Observations in respect of which replies of the Government are interim in nature – <b>Rec. Para Nos. 32 and 38.</b>   | <b>02</b>    | <b>5.26%</b>      |
|  |              | <b>100%</b>       |