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**COMMITTEE ON PETITIONS
(2012-2013)**

FIFTEENTH LOK SABHA

TWENTY FIFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

July 2013 / Ashadha, 1935 (Saka)

CPB. NO. 1 Vol.XXV

Price: Rs.....

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**Published under Rule 382 of the Rules of Procedure and Conduct of
Business in Lok Sabha (Fifteenth Edition) and printed by the
Manager, Government of India press, Minto Road, New Delhi**

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**COMPOSITION OF THE
COMMITTEE ON PETITIONS**

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**TWENTY FIFTH REPORT OF THE COMMITTEE ON PETITIONS
(FIFTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Twenty Fifth Report on the Action Taken by the Government on the recommendations contained in the Eighth Report (15th Lok Sabha) on the representation received from Shri H. Mahadevan, Deputy General Secretary, All India Trade Union Congress regarding violation of the Minimum Wages Act, 1948 and also in respect of non-payment of Minimum Wages to the tea garden workers of Assam, Darjeeling and Dooars in Jalpaiguri District.

2. The Committee considered and adopted the draft Twenty Fifth Report at their sitting held on 1 July, 2013.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

1 July, 2013

10 Asadha, 1935 (Saka)

**Anant Gangaram Geete,
Chairman,
Committee on Petitions.**

REPORT**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE EIGHTEENTH REPORT (15TH LOK SABHA) OF COMMITTEE ON PETITIONS ON THE REPRESENTATION RECEIVED FROM SHRI H. MAHADEVAN, DEPUTY GENERAL SECRETARY, ALL INDIA TRADE UNION CONGRESS REGARDING VIOLATION OF THE MINIMUM WAGES ACT, 1948 AND ALSO NON-PAYMENT OF MINIMUM WAGES TO THE TEA GARDEN WORKERS OF ASSAM, DARJEELING AND DOOARS IN JALPAIGURI DISTRICT.**

The Committee on Petitions (Fifteenth Lok Sabha) in their Eighteenth Report presented to Lok Sabha on 21 December, 2011 had dealt with a Representation received from Shri H. Mahadevan, Deputy General Secretary, All India Trade Union Congress as forwarded by Shri Gurudas Dasgupta, MP, Lok Sabha regarding violation of the Minimum Wages Act, 1948 and also in respect of non-payment of Minimum Wages to the tea garden workers of Assam, Darjeeling and Dooars in Jalpaiguri District.

2. The observations/recommendations of the Committee in the matter were forwarded to the Ministry of Labour and Employment with the request to furnish their Action Taken Replies thereon for consideration of the Committee.

3. The Ministry of Labour and Employment vide their O.M. dated 22 March, 2012 had forwarded the Action Taken Replies to the observations/recommendations contained in the aforesaid Report, which have been detailed in the succeeding paragraphs.

4. In para No. 51 of the Report, the Committee had observed:-

"xxxx the Central Public Sector Undertakings (CPSUs) were violating the Minimum Wages Act, 1948 by denying their workers the Minimum Wages. Some of such CPSUs referred in the representation were Central Inland Waterways Corporation, Rupnarayanpur, Cable Factory, HMT, Breakfast Food India Ltd., Scooters India Ltd., etc. where workers were being paid less than the Minimum Wage. The Hon'ble Member Shri Gurudas Das Gupta, MP, Lok Sabha had also informed the Committee about the complaints received from Tea Garden workers of Assam, Darjeeling and Dooars in Jalpaiguri District regarding the non-payment of Minimum Wages to them."

5. In their reply, the Ministry of Labour and Employment have furnished a compiled Status Report in respect of the Central Public Sector Undertakings (Annexure I), copies of the letters received from the Government of West Bengal (Annexure II) and Assam (Annexure III) conveying the status of implementation of the recommendations of the Committee.

6. In para No. 53 of the Report, the Committee had observed/recommended :-

"In the Central Inland Water Transport Corporation, there were two contractors engaged by the establishment, who in turn, had engaged 100 contract labourers to do loading and unloading of cargo. The contract labourers are paid Rs. 2240/- per month for the said work which was less than the Minimum Wage fixed by the appropriate Government on the premise that loading and unloading does not come under the list of Scheduled Employments under the Act. As regards the basic rates of wages fixed by the Central Government for the workers under Scheduled Employments, the Committee, however, note from Ministry's submission that loading and unloading in good shed/parcel offices of Railways comes under the list of the Scheduled Employments, whereas, loading and unloading of cargos at harbours/ports does not feature in the list of Scheduled Employments in West Bengal. The Committee feel that perhaps, there is some kind of ambiguity in the policy of the Government to list various employments under the list of Scheduled Employments across the country. The Committee are, therefore, of the firm opinion that the Government should have uniformity in listing of all the contractual employments across the country for inclusion of work of similar nature at least in the list of Scheduled Employments under the ambit of the

Act. The Committee would, therefore, recommend that for bringing uniformity in listing of contractual work across the country the Government should bring appropriate Amendment to the Act. The rate of wage may differ on the basis of cost of living in a particular city, but difference in terms of listing of an employment of same nature cannot be justified."

7. The Ministry of Labour and Employment in their Action Taken Reply have stated :-

"Under the provisions of the Act both the Central Government and the State Governments are the appropriate Governments to fix, revise the payment of Minimum Wages to workers in respect of Scheduled Employments under their respective jurisdictions. In explanation for the purpose of the notification it is mentioned that the minimum rates of wages are applicable to employees engaged by contractors also. Further, it is informed that the employees shall get the same rates of wages for the same work or work of similar nature. Further, 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 in 1996. This is being revised from time to time based on changes in the Consumer Price Index. At present it is Rs. 115. All States/UTs have been advised to adopt the National Floor Level Minimum Wage (NFLMW) in respect of employments under their jurisdiction."

8. In para No. 54 of the Report, the Committee had observed/recommended:

"according to the provisions contained in the Minimum Wages Act, 1948, the appropriate Government reviews the Minimum Wage at an interval of 5 years. Apart from this the Government has introduced the concept of Variable Dearness Allowance (VDA) linked to Consumer Price Index (CPI) which is also to be taken into account for fixing the Minimum Wages. The Central Government and twenty-six State Governments/UTs have so far adopted VDA as a component to raise Minimum Wages after every six months. The Committee further note that the Central Government has been impressing upon the remaining State Governments/UTs from time to time to adopt the concept of VDA. The Committee are, however, surprised to observe that the State Government of Assam has not made VDA a component of fixing Minimum Wages for the tea plantation workers, whereas VDA forms

an integral part of minimum wage for other employments listed under Scheduled Employment in the State. The Committee, therefore, strongly feel that VDA should be made an indispensable and integral part of fixing minimum wage especially when prices of basic commodities have grown so volatile. The Committee, would therefore, recommend that the Government should take effective steps in co-ordination with the State Government/UT – in order to ensure that the concept of VDA linked to CPI is adopted uniformly especially in the State of Assam where tea plantation workers are being deprived of the same."

9. In their Action Taken Reply the Ministry of Labour and Employment have stated:-

"The Central Government introduced the concept of Variable Dearness Allowance (VDA) linked to Consumer Price Index (CPI) in 1989 based on the recommendations of the Labour Ministers' Conference held in 1988 to evolve a mechanism to protect the Minimum Wage against inflation. The V.D.A. is revised twice a year effective on 1st April and 1st October depending on the rise in the CPI. While, most of the State Governments have adopted V.D.A. 11 State Governments are yet to adopt V.D.A. in respect of all the Scheduled Employment. The State Governments are the appropriate Governments to adopt V.D.A in respect of all Scheduled Employment notified under the Minimum Wages Act in their respective States. The Central Government has been requesting the States from time to time for adoption of VDA in fixation of Minimum Wages in the respective States. A D.O. letter was written by Hon'ble LEM recently to the Labour Ministers of the 11 State Governments who are yet to adopt the VDA in respect of all the Scheduled Employments notified under the Minimum Wages Act in the State"

10. In para No. 55 of the Report, the Committee had observed/recommended:

"in order to have a uniform wage structure across the country, a concept of National Floor Level Minimum Wage (NFLMW) was mooted. The NFLMW is fixed from time to time primarily taking into account the increase in the Consumer Price Index Number for industrial workers, which stands at Rs. 100 w.e.f. 01.11.2009. Since the NFLMW is a non-statutory measure, the State Governments are

persuaded to fix/revise Minimum Wages in such a way that in none of the Scheduled Employments including Tea Garden Workers, the Minimum Wages are less than NFLMW. The Committee are, however, not convinced by only the persuasive attempts made by the Ministry to maintain parity in terms of Minimum Wages across the country. The Committee feel that the Government cannot abdicate their responsibility by taking recourse to the plea that the concept of NFLMW is non-statutory and therefore, the Central Government can only persuade the State Governments in the matter. The Committee, therefore, recommend the Ministry to amend the relevant clause of the Act to make the provision of NFLMW statutory and binding, so that the workers across the country get the benefit of NFLMW."

11. Replying to the above recommendation, the Ministry of Labour and Employment have stated that Since the NFLMW is a non-statutory measure, the State Governments are advised to fix/revise Minimum Wages in such a way that in none of the Scheduled Employments including the Tea Garden Workers, the Minimum Wages is less than NFLMW. Further, a proposal to amend the Minimum Wages Act, 1948 inter-alia making NFLMW statutory is under consideration. This will also ensure coverage of all employments under the Act and would enable all workers in the country to receive at least the National Floor Level Minimum Wage.

12. In para No. 56 of the Report, the Committee had observed/recommended:-

"the existing mechanism to check non-payment of wages to workers/contract workers is being further strengthened by providing requisite infrastructure, computers and training to the field officers. In opinion of the Committee the online maintenance/upgradation of Scheduled Employments under the Act, maintenance of data in regard to the employers who have defaulted in terms of payment, prevailing Minimum Wages in the Central sphere as well as/States/UTs alongwith the existing National Floor Level Minimum Wage (NFLMW) would enable the workers/contract labourers to claim their wages as per the latest rates. The Committee feel that it will prove to be of great significance if the Ministry ask all the CPSUs to widely circulate the details of all the above provisions in vernacular language to their workers and also display the same on their notice boards so as to make the workers aware of their legal rights. The Ministry should

also publish the aforesaid provisions of the Act in vernacular newspapers and also advertise them through the electronic media from time to time to make workers aware of their rightful dues in terms of wages."

13. The Ministry of Labour and Employment in their Action Taken Reply have stated that the Minimum Wages Act, 1948 and Payment of Wages Act, 1936 and notifications revising the minimum rates of wages for Scheduled Employments under the Central sphere have been uploaded on the website of the Ministry and are also updated periodically. The CPSUs are being requested through the Department of Public Enterprises (DPE) for circulating the relevant provisions in the respective vernacular language also. Similarly, every labour department of State Governments has their own websites.

14. In para No. 57 of the Report, the Committee had observed/recommended:-

"the majority of the CPSUs have failed to keep check on the contractors, regarding payment of Minimum Wages to their workers. The Committee are further constrained to note that the Government does not have any effective mechanism to check the erring contractors who fail to pay wages to their workers. The Committee are convinced about the fact that unless the erring contractors are brought to book, the practice of non-payment of wages to contract labourers would continue unabated. The Committee, therefore, recommend that in order to keep check on erring contractors, the Government should bring suitable amendment in the Act so that such contractors are blacklisted and not given any future Government contract(s), if they are found guilty."

15. In their Action Taken Reply the Ministry of Labour and Employment have submitted that there is a proposal under consideration in the Ministry to enhance the penalties such as fine and imprisonment under Minimum Wages Act. Further, black listing of the contractors can be done through administrative action even without amendment of the Act.

16. In para No. 58 of the Report, the Committee had observed/recommended:-

"The Committee were informed during the course of their study visit to the tea garden/factory at Munnar, that the Ministry was in the process of collecting data regarding violation of the Minimum Wages Act, 1948 to maintain a central record of the same. The Committee recommend that the Ministry should collect such data in a time bound manner not only for tea garden workers but also pertaining to all the Scheduled Employments so that it could be maintained centrally and may be uploaded on the website, so as to keep a check on violation of Minimum Wages Act, 1948."

17. In response to the above recommendation, the Ministry of Labour and Employment have stated that the Ministry continuously monitors the progress of enforcement of the Minimum Wages Act, 1948 in respect of all States/UTs concerning the Minimum Wages Enforcement including farm labour. The information on Monthly Progress Report on enforcement of the Minimum Wages Act 1948 is collected from States/UTs and sent to the Ministry of Statistics and Programme Implementation for use under Twenty Point Programme.

18. In para No. 59 of the Report, the Committee had observed/recommended:-

"the Ministry proposes to bring about amendments to the Minimum Wages Act, 1948 in regard to imposing fines/penalty for infringement of the Act so as to ensure strict compliance of the Act. The proposed amendment seeks to increase/extend the provision of imprisonment for six months or fine upto Rs.5000 or both for the first contravention and imprisonment for a term upto one year or a fine upto Rs.5000 to Rs.10000 or both on subsequent contraventions. Further, the penal provision under Section 22A for any infringement of the Act is proposed to be increased upto Rs.5000 for the first contravention and Rs.5000 to Rs.10000 for the subsequent contraventions. The Committee, however, recommend that apart from imposing financial penalty/imprisonment, the proposed amendment should also prescribe stringent and exemplary penalty by way of blacklisting, etc. for the defaulting establishment so as to check the violation of Act across the country."

19. In their Action Taken Reply the Ministry of Labour and Employment have stated that the amendment proposal to enhance the fine and imprisonment in Minimum Wages Act, 1948 for violation of the provisions is under consideration. Inspectors under the Plantations Labour Act, 1951 are entrusted with the supervision of implementation of the provisions of the PL Act and Rules. 102 cases have been sanctioned by the Chief Inspector of Plantations to prosecute against the offending tea employers during the year ending on 31 December, 2010.

20. In para No. 60 of the Report, the Committee had observed/recommended:-

"the wages of the plantation workers are paid by the employers as per Tripartite Agreements. As such no Minimum Wages are fixed by the State Government for the plantation workers. The Committee feel that the core value behind the enactment of the Minimum Wages Act, 1948 is to protect the vulnerable labour force from the excesses of the contractors in terms of non-payment or under-payment of wages. The Committee deplore the fact that the State Government of West Bengal have failed in the fixation of Minimum Wages for the plantation workers. The Committee, therefore, would like the Ministry to take up this concern of the Committee with the State Government of West Bengal and impress upon it to fix Minimum Wages for plantation workers in accordance with the latest parameters pertaining to Minimum Wages Act and also in the light of the historic judgement of the Hon'ble Supreme Court in the Reptakos & Co. Vs. its workers, 1992, wherein the Apex Court had pronounced that Minimum Wages should be fixed after considering basic needs of the workers."

21. In response to the above recommendation the Ministry of Labour and Employment have submitted as under :

"The State Government of West Bengal has informed that the wages of the tea plantation workers are paid by the tea employers as per terms and conditions of tripartite wage settlement and not as per terms of the Minimum Wages Act. Industry-wise tripartite agreement on wages for the tea plantation workers has been signed on 04 November, 2011 by all the unions operating in the industry. The wages of the tea plantation workers have been raised from Rs 67 per

day to Rs 85 per day for the 1st year w.e.f. 01 April, 2011 and Rs 90 per day and Rs 95 per day w.e.f. 01 April, 2012 and 01 April, 2013 respectively.

In addition to their daily wages, the tea plantation workers are entitled to various health and welfare facilities under the provisions of the Plantation Labour Act, 1951 and Rules framed thereunder. Some of the important health and welfare provisions include medical facilities, housing, sickness and maternity benefits, provisions for wholesome drinking water, sanitation crèche, recreational facilities, educational facilities etc. This apart the tea workers are entitled to various fringe benefits like protective cloths/equipments, fuel, tea, blanket, tarpaulin shoe, raincoats, umbrella, etc. as per agreement. The workers are getting subsidized ration i.e. rice and wheat @ Rs 0.40 per kg for their entitlement in every week.

The State Government of West Bengal has further informed that the rate of wages is increased regularly as per terms of settlement and not on the basis of price index in respect of tea garden workers as their wages are governed by tripartite settlements (Annexure II).

As per the information supplied by the Government of Assam, all payments are made in the State by the Tea Garden Managements only. The State Government has also mentioned that, the wages for the tea garden workers are generally decided in Assam through bilateral wage agreement. The Government of Assam has also informed that two notifications have been issued revising the rates of Minimum Wages for the plantation workers for Barak Valley tea gardens and Brahmaputra Valley tea gardens based on bipartite agreements reached between Consultative Committee of Planters' Association and Assam Chah Mazdoor Sangha, Dibrugarh in Brahmaputra Valley and Consultative Committee on Planters' Association-Barak Valley Branch and Cachar Cha Sramik Union (presently Barak Valley Cha Sramik Union) Silchar in Barak Valley. (Annexure III)"

22. In para No. 61 of the Report, the Committee had observed/recommended:-

"The Committee are shocked and dismayed to note that the Minimum Wages Act, 1948 has neither defined Minimum Wages nor has it laid down any norms/criteria for fixing the Minimum Wages. Minimum

wage is paid on the norms recommended by the Indian Labour Conference held in 1957 and judgement of the Hon'ble Supreme Court in the case of Reptakos & Co. Vs. its workers, wherein, the Apex Court pronounced that minimum wage should be fixed after considering workers basic necessity viz. the children's education, medical requirement, minimum recreation including festivals/ ceremonies, provision for old age, marriage, etc. The Committee, therefore, recommend the Ministry to bring in all the necessary amendments to the Act so that the basic elements, so necessary for fixing Minimum Wage gets legal status. The Committee would like to be apprised of the action taken by the Ministry in this regard within a period of three months' time."

23. In their Action Taken Reply, the Ministry of Labour and Employment have informed that the amendment proposal to the Minimum Wages Act is under consideration of the Committee of Secretaries.

Observations / Recommendations

24. The representatives of All India Trade Union Congress in their representation submitted to the Committee through Shri Gurudas Dasgupta, MP, Lok Sabha, had alleged that the Central Public Sector Undertakings (CPSUs) were violating the Minimum Wages Act, 1948 by denying their workers the Minimum Wages. The Committee were also informed by the Hon'ble MP, Shri Gurudas Dasgupta about the complaints received from Tea Garden workers of Assam, Darjeeling and Dooars in Jalpaiguri District regarding the non-payment of Minimum Wages to them.

25. The Committee had deliberated upon the issue raised in the representation and observed that about 100 contract labourers who were engaged by the two contractors engaged by the Central Inland Water Transport Corporation to do loading and unloading of cargo were being paid Rs 2240 per month, which was less than the Minimum Wage fixed by the appropriate Government on the premise that loading and unloading does not come under the list of Scheduled Employments under the Minimum Wages Act, 1948. The Committee had also noted from Ministry's submission that loading and unloading in good shed/parcel offices of Railways come under the list of the Scheduled Employments and had therefore, recommended that for bringing uniformity in listing of contractual work across the country the Government should bring appropriate amendment in the Act.

26. The Committee are however, disappointed to note that concrete action has not been taken by the Ministry on their recommendation to bring appropriate amendment in the Act to

bring uniformity in listing of contractual work across the country. Instead the Ministry in their Action Taken Reply have taken the plea that under the provisions of the Act both the Central Government and the State Governments are the appropriate Governments to fix, revise the payment of Minimum Wages to workers in respect of Scheduled Employments under their respective jurisdictions. The Ministry has further opined that 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 in 1996. NFLMW is being revised from time to time on the basis of changes in the Consumer Price Index. At present it starts at Rs. 115/-. And as per Central Government's submission all States/UTs have been advised to adopt the National Floor Level Minimum Wage (NFLMW) in respect of employments under their jurisdiction.

27. While taking note of submissions made by the Ministry, the Committee are of the firm view that the aforesaid initiatives being taken by the Government are not adequate to remove the ambiguity in the policy of the Government to list various employments or atleast works of similar nature in the list of Scheduled Employments under the ambit of the Minimum Wages Act, 1948. The Central Inland Water Transport Corporation is a case in point. The Committee, while, reiterating their earlier recommendation would like to emphasise that the issue can be addressed through bringing desired amendments in the Minimum Wages Act, 1948. As such, the necessary amendments to the Act should be worked out and the amending legislation introduced in Parliament expeditiously so that the uniformity in listing of contractual work across the country is achieved.

28. The Committee in their Eighteenth Report had observed that NFLMW is fixed from time to time primarily taking into account the increase in the Consumer Price Index (CPI) number for industrial workers. Since the NFLMW is a non-statutory measure, the State Governments are advised to fix/revise Minimum Wages in such a way that in none of the Scheduled Employments including the tea garden workers, the Minimum Wages are less than the NFLMW. In view of the Government's plea that the NFLMW is non-statutory and therefore, the Central Government can only persuade the State Governments in the matter, the Committee had, recommended to amend the relevant clause of the Act to make the provision of the NFLMW Statutory and binding, so that the workers across the country get the benefit of NFLMW. While taking note of the reply of the Ministry that a proposal to amend the Minimum Wages Act, 1948 inter-alia for giving a statutory basis to NFLMW is under consideration, the Committee desire that proposed amendment in Minimum Wages Act, 1948 making NFLMW Statutory may be accorded the top most priority and the amended legislation introduced in Parliament expeditiously.

29. The Committee further note that the Central Government have introduced the concept of Variable Dearness Allowance (VDA) linked to the Consumer Price Index (CPI) in 1989 to protect the Minimum Wages against the inflation. However, as the matter stands now, 11 State Governments are yet to adopt V.D.A. in respect of all the Scheduled Employments. The Committee are not at all satisfied with the reply of the Ministry on this count. The Committee, therefore, desire that concerted efforts are needed to impress upon the non-implementing States to adopt Variable

Dearness Allowance based on CPI in order to bring about uniformity in the fixation of Minimum Wages across the country.

30. The Committee note that in order to keep a check on the non-payment of wages to workers/contract labourers, to further strengthen the prevailing mechanism and also to keep a check on the violation of Minimum Wages Act 1948, the Ministry have taken certain steps such as continuous uploading and up-gradation of Notifications revising the Minimum Wages Act, 1948 and Payment of Wages Act, 1936 for Scheduled Employments under the Central sphere, circulating the relevant provisions of the Act in the respective vernacular language for the benefit of workers; enhancing the penalties such as fine and provision of imprisonment for violation of provisions under Minimum Wages Act, 1948 and also to keep a check on erring contractors who defaulted in the payment of Minimum Wages to their employees, blacklisting of erring contractors through administrative action, continuous monitoring of the progress of enforcement of the Minimum Wages Act, 1948 in respect of all States/UTs by the Ministry. Further, monthly progress report on the same is sent to the Ministry of Statistics and Programme Implementation for use under 20 Point Programme and the Inspectors under the Plantations Labour Act, 1951, have been entrusted with the responsibility of supervision and overseeing implementation of the provisions of the Plantations Labour Act, 1951 - which has resulted in the sanctioning of 102 cases by the Chief Inspector of plantation for prosecuting against the offending Tea Plantation Employers during the year ending 31.12.2010.

31. Notwithstanding, the efforts being made by the Ministry to monitor as well as strengthen the prevailing mechanism with regard to payment of wages to workers/contract labourers, the status report as furnished along with the Action Taken Notes indicates that there are a number of cases regarding Non-Payment/delayed payment of Wages to workers/contract labourers in various PSUs. In HMT Watch Factory Srinagar (Jammu & Kashmir), Hindustan Cables Limited, Naini, Allahabad and Hindustan Cables Limited, Rupnarayanpur, West Bengal, salaries to regular employees have been paid upto the month of September, 2011. In another PSU i.e. Scooters India, Lucknow, U.P. salaries have been paid upto the month of December 2011. In HMT Watches Limited Bangalore, Karnataka, HMT Watches Tumkur, Karnataka and HMT Factory, Rani Bagh, Uttarakhand, the dues have been cleared upto September, 2011. The regular employees are being paid the monthly advance ranging between Rs. 3000 to Rs. 4000 in these companies. There is delay in payment of wages in HMT, MBX, Bangalore, Karnataka, Hindustan Cable Limited, Cheralappally, Andhra Pradesh, Cement Corporation of India, Adilabad, Andhra Pradesh and NTC, U.P. Most of the aforesaid PSUs have been declared as sick units and a few have been referred to BIFR.

32. The analysis further reveals that inspections were carried out in some of the PSUs and legal/punitive action against the defaulters was taken/ is under process. To cite few examples as in the case of Hindustan Cables Limited, Rupnarayanpur, West Bengal wherein a contempt case is pending against Management in the High Court, Kolkata - in relation to a contract labour. In case of Oil & Natural Gas Corporation Limited, in the Guwahati Region 21

inspections during 2010-11 under the Minimum Wages Act were conducted. 3 claim cases and 8 prosecution cases have been filed. During 2011-12, 22 inspections were conducted under the Minimum Wages Act. In the Kolkata Region, after conducting inspections cases of less payment of wages to the extent of Rs 5822/- involving 50 workers were detected and necessary legal action is under progress. Also in case of PSUs such as Hindustan Steel Construction Works and Airports Authority of India legal cases have been initiated against defaulters.

33. The Committee are, however, constrained to observe that action initiated in case of some defaulting PSUs has not yielded desired results - in terms of providing relief to employees/casual workers of these PSUs. The Committee, therefore, feel that the initiatives presently under consideration of the Government need to be expedited by laying down more stringent and result oriented policies in a time bound manner so as to rein in the erring contractors/defaulting PSUs from violation of the provisions of the Minimum Wages Act, 1948.

34. While concluding, the Committee would like to emphasise that the following initiatives need to be taken urgently in order to enforce uniform application of the Minimum Wages Act, 1948 in the country as well as for strengthening the prevailing mechanism:

(a) To bring appropriate amendment in the Act to bring uniformity in listing of Contractual Work across the country so that the workers doing the same work or work of similar nature are not denied their rightful Minimum Wages in a particular State/UT.

(b) To bring proposed amendment in Minimum Wages Act, 1948 for giving a Statutory basis to NFLMW and making it binding on all State Governments so that the workers across the country get benefit of NFLMW. This may be accorded the top most priority and the amended legislation introduced in Parliament expeditiously.

(c) To make concerted efforts to impress upon the non-implementing States to adopt variable Dearness Allowance based on Consumer Price Index - in order to bring about uniformity in fixation of Minimum Wages across the country.

(d) Routine supervision and reviews should be undertaken in order to ensure that provisions made in various Acts and Rules/Guidelines are strictly complied with by the concerned Authorities throughout the length and breadth of the country - in the larger interest of the workers especially the Tea Garden Workers.

The Committee would like to be apprised of the Action Taken by the Ministry in respect of the recommendation reiterated/issues reemphasized in this Report.

NEW DELHI;
01 July, 2013
10 Asadha, 1935 (Saka)

Anant Gangaram Geete,
Chairman,
Committee on Petitions.