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**STANDING COMMITTEE ON LABOUR
(2015-2016)**

SIXTEENTH LOK SABHA

MINISTRY OF HOME AFFAIRS

**[DEPLOYMENT OF CONTRACT/CASUAL/SANITATION
WORKERS FOR PERENNIAL NATURE OF JOBS IN NDMC]**

THIRTEENTH REPORT



LOK SABHA SECRETARIAT

December, 2015/Pausha, 1937 (Saka)

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WORKERS FOR PERENNIAL NATURE OF JOBS IN NDMC]**

Presented to Lok Sabha on 22.12.2015

Laid in Rajya Sabha on 22.12.2015



LOK SABHA SECRETARIAT

NEW DELHI

December, 2015 /Pausha , 1937 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2015-16)**

DR. VIRENDRA KUMAR-CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Hariom Singh Rathore
17. Shri Y.S. Avinash Reddy
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

Rajya Sabha

22. Shri Nazir Ahmed Laway
23. Shri Aayanur Manjunatha
24. Shri P.L. Punia
25. Shri Rajaram
26. Haji Abdul Salam
27. Ms. Dola Sen
28. Shri Tapan Kumar Sen
29. Shri R.K. Sinha
30. Shri Ravi Prakash Verma
31. Vacant*

* Shri P.Kannan retired from Rajya Sabha w.e.f. 06.10.2015

SECRETARIAT

- | | | |
|---------------------------|---|----------------------|
| 1. Shri K. Vijayakrishnan | - | Additional Secretary |
| 2. Shri Shiv Kumar | - | Joint Secretary |
| 3. Shri Ashok Sajwan | - | Director |
| 4. Shri D.R. Mohanty | - | Additional Director |
| 5. Smt. Archana Srivastva | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2015-16), having been authorized by the Committee do present on their behalf this Thirteenth Report on 'Deployment of contract/casual/sanitation workers for perennial nature of jobs in the NDMC' relating to the Ministry of Home Affairs.

2. The Committee took evidence of the representatives of the Ministry of Home Affairs and NDMC on the subject on 3rd March, 27th May and 15th July, 2015. The Committee wish to express their thanks to the representatives of the Ministry of Home Affairs and NDMC for appearing before the Committee and placing before them their views and also for providing detailed written information on the subject, as desired by the Committee.

3. The Committee considered and adopted the Draft Report at their sitting held on 17th December, 2015.

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

New Delhi;
18 December, 2015
27 Pausha, 1937 (Saka)

DR. VIRENDRA KUMAR
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

REPORT

PART-I

I. INTRODUCTORY

During the last ninety years of its existence, the New Delhi Municipal Council (NDMC) has grown into an Organization with the responsibility of providing civic services and beautifying the city. The obligatory and discretionary functions and responsibilities of the Council under Section 11 and 12 of the NDMC Act, 1994 are as follows :-

Obligatory functions of the Council

- a) the construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences;
- b) the construction and maintenance of work and means for providing supply of water for public and private purposes;
- c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;
- d) the construction or purchase, maintenance, extension, management for-
 - i. supply and distribution of electricity to the public;
 - ii. providing a sufficient supply of pure and wholesome water;
- e) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
- f) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purpose;

- g) the registration of births and deaths;
- h) public vaccination and inoculation;
- i) measures for preventing and checking the spread of dangerous diseases;
- j) the establishment and maintenance of dispensaries and maternity and child welfare centers and the carrying out of other measures necessary for public medical relief;
- k) the construction and maintenance of municipal markets and regulation of all the markets;
- l) the regulation and abatement of offensive or dangerous trade or practices;
- m) the securing or removal of dangerous buildings and places;
- n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like;
- o) the lighting, watering and cleansing of public streets and other public places;
- p) the removal of obstructions and projections in or upon streets, bridges and other public places;
- q) the naming and numbering of streets and premises;
- r) the establishment, maintenance of, and aid to, schools for primary education subject to such grants as may be determined by the Central Government from time to time;
- s) the maintenance of municipal offices;
- t) the laying out or the maintenance of public parks, gardens or recreation grounds.

- u) the maintenance of monuments and memorials vested in any local authority in New Delhi immediately before the commencement of this Act or which may be vested in the Council after such commencement;
- v) the maintenance and development of the value of all properties vested in or entrusted to the management of the Council;
- w) the preparation of plans for economic development and social justice;
- x) the maintenance, including the expansion and upgradation of facilities, of the hospitals existing on the date of the commencement of this Act;
- y) sanction or refuse erection or re-erection of building; and
- z) the fulfillment of any other obligation imposed by or under this Act or any other law for the time being in force.

Discretionary functions of the Council

- a) the furtherance of education, including cultural and physical education, by measures other than the establishment and maintenance of, and provision of aid to the schools for primary education.
- b) the establishment and maintenance of, and provision of aid to the libraries, museums, art galleries, botanical or zoological collections;
- c) the establishment and maintenance of, and aid to, stadia, gymnasia, *akharas* and places for sports and games;
- d) the planting and care of trees on roadsides and elsewhere;
- e) the surveys of buildings and lands;
- f) the registration of marriages;
- g) the taking of a census of population;
- h) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants;

- i) the providing of music or other entertainments in public places or places of public resort and the establishment of theatres and cinemas;
- j) the organization and management of fairs and exhibitions;
- k) the acquisition of movable or immovable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;
- l) the construction and maintenance of-
 - i. rest-houses,
 - ii. poor-houses,
 - iii. infirmaries,
 - iv. children's home
 - v. houses for the deaf and dumb and for disabled and handicapped children
 - vi. shelters for destitute and disabled persons,
 - vii. asylums for persons of unsound mind;
- m) the construction and maintenance of cattle pounds;
- n) the building or purchase and maintenance of the dwelling-houses for municipal officers and other municipal employees;
- o) to take any measures for the welfare of the municipal officers and other municipal employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles;
- p) the organization or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for

the detection of diseases or research connected with the public health of medical relief;

- q) the provision for relief to destitute and disabled persons;
- r) the establishment and maintenance of veterinary hospitals;
- s) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;
- t) the organisation and management of farms and dairies within or without New Delhi for the supply, distribution and processing of milk and milk products for the benefit of the residents of New Delhi;
- u) the organisation and management of cottage industries, handicraft centres and sales emporia;
- v) the construction and maintenance of warehouses and godowns;
- w) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;
- x) the provision for unfiltered water supply;
- y) the improvement of New Delhi in accordance with improvement schemes approved by the Council;
- z) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.

2. In the discharge of its obligatory and discretionary functions and responsibilities and due to administrative exigencies, NDMC is permitted to employ contract labourers under the provisions of 'The Contract Labour (Regulation and Abolition) Act, 1970'. Such contractual employees are appointed in a few categories like Junior Engineer, Data Entry Operator,

Clerical Assistants, Sub Station Apprentice (SSA), Teachers, Horticulture, Personnel, Health personnel and other Assistants apart from cleaning, sweeping, security and other related works. The nature of jobs/ duties of a particular post is according to the requirement/ job specifications.

3. With a view to gauging the working conditions, health, safety, welfare and social security of the casual/contract/temporary workers deployed in NDMC, the Committee took up the subject for detailed examination and report.

4. In the process, the Committee obtained background notes, written replies and other relevant documents from the NDMC. Finding the written replies of the NDMC deficient in many aspects, the Committee, while expressing their displeasure over that, adjourned the sitting - which was convened to take evidence of the officials of the Ministry of Home Affairs and the NDMC. The Chairperson asked the witnesses to furnish revised replies within a month's time. However, the revised replies furnished to the Secretariat were again found to be wanting and despite several reminders to this effect, the replies could not be improved upon. The Committee, in their sitting convened a second time to take evidence, took a serious view of the matter and cautioned the NDMC to revisit and furnish the requisite replies within 15 days after obtaining proper information. The Committee finally took oral evidence of the representatives of the Ministry of Home Affairs and the NDMC on 15th July, 2015. Based on the written and final oral deposition of the Ministry, NDMC and the Regional Labour Commissioner, Employees' Provident

Fund Commissioner and the Employees State Insurance Commissioner (ESIC), the Committee deliberated upon the subject as enumerated in the succeeding paragraphs.

II. SERVICES OUTSOURCED

5. The Committee desired to know the nature of jobs/works/services outsourced and the kind of outsourcing. In reply, the NDMC stated that the works were only partially outsourced for cleaning, sweeping, security and other related works due to administrative exigencies. They further stated that apart from these services, contractual employees in a few other categories were also engaged, *viz.* Junior Engineer, Data Entry Operator, Clerical Assistants, SSA, Teachers, Horticulture Personnel, Health Personnel and other Assistants, as mentioned earlier. These services were being obtained through 428 registered/unregistered contractors whose details were furnished to the Committee.

6. On being specifically asked by the Committee as to whether any contractual appointments were made against the permanent posts and the rationale therefor, the NDMC submitted that some contractual appointments against the permanent posts had been made as the process of filling up the permanent vacancies, i.e. sending requisitions to the recruitment agencies like Employment Exchange/Delhi Subordinate Services Selection Board (DSSSB) to fill up the vacancies took a considerably longer time. The NDMC reasoned that

it being the pioneering municipality in India, it had to maintain the prime locations in the National Capital Territory for which vacancies were filled up temporarily on contract basis after adopting due process.

7. In the meantime, the list of Contractors as provided by the NDMC was forwarded to Employees Provident Fund Organisation (EPFO)/Employees State Insurance Corporation (ESIC)/Chief Labour Commissioner (CLC) for cross verification and carrying out inspections regarding the coverage of workers in EPF/ESI under each contractor, wherever applicable and issuance of labour license, etc.

8. During evidence of the Ministry/ NDMC, the Committee asked the representative of the Chief Labour Commissioner about the inspections conducted by them as per the directions of the Committee. The representative of the CLC submitted that they had carried out the inspections and forwarded a copy of the inspections report **(Annexure-I)**. A scrutiny of the said report revealed that most of the Contractors were working without valid labour license even though the minimum number of workers prescribed under law were deployed by them which entailed mandatory labour license.

9. In this context, when the Committee desired to have the comments of the NDMC on the anomalies pointed out in the inspection report, the representative of the NDMC, stated during evidence as follows :-

"As regards inspection report of Dy. CLC, we are aware about that, but we have not received the report. Informally we came to know about non-registration. In some places, certificates are there and somewhere they

are missing. If we get a report formally, then we will look into each and every case and will try to rectify it."

Subsequent to the meeting of the Committee, the NDMC intimated that directions have been issued to all HODs for compliance of the provisions of the Contract Labour Act, 1970, the ESI Act, 1948 and the EPF&MP Act, 1952. They have been directed to submit the requisite information pertaining to all the contractors, the services being provided by them, details of the contract/casual labour engaged by them, along with their PF and ESI account numbers and number of days for which the workers were engaged.

10. When asked whether any inspections were conducted by the Central Industrial Relations Machinery (CIRM), the NDMC submitted that so far, no inspection had been conducted by the CIRM.

III. COVERAGE UNDER EPF

11. The Committee desired to be informed about the mechanism put in place by the NDMC to ensure the provision of the prescribed amenities under the Contract Labour Act to the workers. In reply, the NDMC stated that it was ensured that all the prescribed amenities which formed part of the agreement were checked by the field staff regularly. Further, payment to the agencies was released only after they gave proof of all payments, made including payment of wages to their workers through A/C payee cheques. The Divisional Officers of

the NDMC conducted inspections and ensured that wages were being paid as per rules, pay slips and EPF & ESIC statements were given to the labourers and wages were transferred to their bank account.

12. However, during evidence, when asked by the Committee about the coverage of the NDMC workers under the EPF, the representative of the EPFO apprised that the NDMC was brought under Schedule on 8th January, 2011 and from that date the NDMC was supposed to extend the EPF facility to the workers, including the casual and muster roll workers. But, as the NDMC was not complying with the provision, show cause notices were served a number of times to them by the EPFO, but even then the NDMC was not co-operating. The representative of the EPFO further stated that an inspection was conducted in May 2015 where all the Divisional Heads of the NDMC were present. In the said meeting, the NDMC provided a list of 126 registered contractors with details which was being verified and for the rest of the contractors numbering 208, there were no details.

13. In another evidence, the representatives of the EPFO further apprised that subsequent to the last meeting of the Committee, the EPFO held a meeting with the NDMC to sort out the anomalies. Total liability of Rs.1,22,32,000/- towards deposit in the EPF was calculated and all the Divisions were issued directions for uploading the Challan. As on 13th July, 2015 only one Challan amounting to Rs.21,359/- was uploaded by one Division though 12 to 14 Divisions were supposed to deposit the Challans.

14. In this context, when the Committee asked in evidence the reasons for not uploading the Challans by all the Divisions, the Chairman, NDMC, submitted:

"Sir, I assure this august House that we will act as a model employer, this is also an admitted fact that because we have released the Provident Fund contribution for the month of June only recently and being the first time we are not in a position to upload all the challans. I assure this august House that we will definitely do it within a week's time."

Asked to clarify the anomalies in the deposit of EPF in favour of the workers since 8th January, 2011, the representative of the NDMC responded as under:

"The question comes from 8th January, 2011 onward till May, 2015 for which we have not paid them. As far as NDMC is concerned, my request to the Committee will be to give us some reasonable time and within that reasonable time we will calculate how much is the contribution from our end and we will definitely try to deposit it. You also know sir, that the criterion has also been changed in between the year 2015. So we will have to work out the calculation as to who are the eligible people from 8th January, 2011 to October, 2014 and then from 2014 to the present day. We will work that out and definitely comply with that."

IV. COVERAGE UNDER ESI

15. Regarding the coverage of workers under the ESI, the Committee were informed that *the Divisional Officers conducted inspections and ensured that wages were paid as per rules, pay slips and EPF & ESIC statements were given to the labourers and wages were transferred to their bank account.* In this context, the Committee, during evidence, sought clarification from the ESIC,

as to whether workers in the NDMC were covered under ESI. In reply, the representative of ESIC stated that after the meeting of the Committee on 27th May, 2015, they had a meeting with the NDMC wherein the applicability of the ESI Act was discussed/ clarified and it was concluded that the NDMC was not a principal employer covered under the ESI Act. It required Notification, without which they could not cover them directly. The representative of the ESIC further submitted that it was, however, for the NDMC to see that its contractors were covered under the ESI and have registration number.

16. NDMC also clarified that it did not fall under the purview of Factory or Establishment and as such provisions of the ESI Act were not applicable to the NDMC. However, in case of workers engaged through contractors, instructions have been issued by the NDMC to the HODs concerned to ensure that all the workers engaged by them got their ESI Smart Cards.

17. During evidence, the Committee pointed out that contractors were definitely covered the ESI Act. If they did not register with the ESI, they should be penalised because under the law of the land, if any agency employed above 10 persons, they had the obligation to get themselves enrolled under the ESI. The Committee further, pointed out that when the NDMC was awarding contracts, the responsibility rested with them to ensure that the contractors were registered with ESI.

18. In response, the Chairman, NDMC submitted as under:

"You have given a very progressive suggestion also, like, as far as the ESI is concerned with the contractors, we will definitely work out certain timelines depending on the nature and the magnitude of the contract, and within that timeline he should ensure the compliance of the ESI".

V. MINIMUM AND EQUAL WAGES

19. The Committee desired to know about the mechanism put in place to ensure proper/timely/full disbursement of equal wages to the contract labourers by the contractors for same or similar type of works. In reply, the NDMC stated that the payment of the labour was regulated as per terms and conditions of the agreement and proper documentation was carried out during disbursement of payment.

20. The Committee, then, asked whether the NDMC had nominated a representative to be present at the time of disbursement of wages by the contractor as per the provisions of the Contract Labour Act. In reply, the NDMC submitted that disbursement of wages by the contractor was made in the presence of Assistant Engineer/Junior Engineer. The Divisional Officers conducted inspections to ensure that wages were paid as per rules.

21. The Committee, then, queried as to whether checks/ surprise checks were also made out to deter any malpractices on the part of the contractor and the officers of the NDMC so nominated to be present during disbursement of wages. In reply, the NDMC stated that checks/ surprise checks were regularly

made by the Head of the Department and the Branch concerned as well as by the Vigilance Department.

22. Asked to state whether any cases of under-payment of wages to the contract workers had come to the notice of the Council, the NDMC responded that no cases of under-payment of wages had been reported.

23. When asked to specify the measures taken to ensure that there was no exploitation of contract labour on account of under-payment and working beyond the prescribed working hours, the NDMC submitted that during the execution of work, the provisions under the Contract Labour Act, 1970 were being followed by the Departments concerned and all desired labour welfare measures were being taken. In case of any complaint of exploitation, the Welfare Department intervenes and resolves the issues.

24. On the issue of continuous engagement of contract workers for longer contract duration and stability of wages, the Committee pointed out during evidence that in any contract agreement, variable provisions were kept for raw materials but surprisingly there have been no provision for variable wages. The Committee further pointed out that the NDMC, being an Autonomous entity, could very well take care of the variables, including minimum wages, in the tender document itself. In response, the Chairman, NDMC, submitted that they had already started working on the line of the suggestions of the Committee.

VI. GRATUITY

25. As regards provision of gratuity, the Joint Secretary, Ministry of Home Affairs, apprised the Committee during evidence that tenders floated by the NDMC were normally for a period of two years whereas to be entitled for gratuity, a minimum of four years of service had to be rendered by the employee. If an employee worked for two years with one contractor and subsequent two years with another contractor, he/she did not get gratuity.

26. When the Committee sought clarification in the matter from the Regional Labour Commissioner (RLC), he informed that as per the provisions in the Payment of Gratuity Act, 1972 a worker became entitled to Gratuity as and when he/she completes five years. The RLC further clarified that it was not necessary that he/she should have worked under a single employer to become eligible for gratuity.

27. The RLC further stated that it did not matter, if the contractor changed or if the employee worked with some other contractors but if his/her service was continued for five years, then he/she is entitled to gratuity. If the employer, due to any reason did not give gratuity, then the worker could file a case with the Labour Authorities.

28. The Committee during evidence pointed out that as per the extant provisions of the Gratuity Act, the NDMC could ensure gratuity facilities to those workers deployed for continuous and regular nature of jobs, irrespective of the number of contractors they had worked under. The Committee further

pointed out that a number of PSUs were deducting gratuity from the contractor's final payment bill and putting it in a dedicated fund or handing it over to the next contractor who was deploying the same people. The Committee asked the constraints NDMC faced in following the same procedure.

29. In response, the Chairman, NDMC, submitted:

“You have given a very pragmatic and progressive suggestion to us as to how to take care of the gratuity arrangement. We will sit with our counterparts in the Ministry of Labour and we will work out a mechanism how this whole system is to be put in place for future.”

VII MUSTER ROLL WORKERS

30. As regards the number of casual workers directly appointed by the Council and under muster roll workers, the Committee were informed that around 6000 such workers were there in the NDMC. Asked to state the duration of their deployment, the NDMC stated that a large chunk of them had been working for a long period.

31. When asked about the reasons and justifications for employment of casual labour directly by the Council in addition to the contract workers hired through the contractors, the NDMC submitted that engagement of muster roll workers was need-based and for proper maintenance of the roads, buildings, parks and gardens of the NDMC area. The NDMC further submitted that as a progressive employer, those muster roll workers, who had completed 500 days or more on a particular date, have been given the status of Regular Muster Roll

Worker. Further, permanent absorption of the casual workers against regular vacancies, as and when they arose consequent upon the retirement of the regular employees or otherwise, was also being done.

32. During evidence, the Committee desired to know the sanctity of 500 days when there were orders for regularization of workers after completion of 240 days of service. In response, the Chairman, NDMC, deposed as follows:-

"You are absolutely right but the fact was that because a large number of employees were working on a muster roll in the NDMC over a period of time, the Council in its own wisdom in the year 2014 had taken a decision to at least try to bring some sort of a progressive employer concept. So they said that we should have a regular muster roll. That is one step towards the model employer...the point that after 240 days they should be made as a regular employee. The question before the Council was that we were not having adequate number of sanctioned posts. That put us in some limitations. Therefore, what we said was have a regular muster roll and slowly and steadily these people shall be regularized. In fact, we have taken details about their qualification and age and we are trying to impart special skill training where the NDMC is proposing to bear the cost for six to twelve months so that they can be deployed on constructive base. For example, we need a large number of people on our sub-stations because we have a Discom for the NDMC area. We need a large number of meter linemen, meter readers. We have already decided in principle in the Council that we will give them 6-12 months training so that their skills can be improved and they can be deployed. We assure this House that as we will move in future, as and when the vacancy will arise, they will definitely be regularized."

33. Asked to state the exact number of such workers regularized so far, the NDMC submitted that during the last five years, 710 Regular Muster Roll workers have been regularized.

34. When asked by the Committee to clarify the distinction between the temporary muster roll workers and the regular muster roll workers and the

need for placing a large number of workers on muster roll, the Chairman, NDMC, submitted as under :-

“the basic difference between the regular and temporary muster roll is that the regular muster roll will always be with us. The temporary muster roll is need-based. As and when the need arises, we are hiring some additional manpower. That is the only difference between the two...it should not be linked with the sanctioned post. Taking a cue from your observation, we will try to have a study as to the need of the post required in the Council. We have a large number of muster roll employees. Based upon the finding of that study we will definitely work out some scheme for the creation of posts also.”

35. As regards the coverage of muster roll workers under EPF, the Chairman, NDMC, apprised that it started from May, 2015. When asked about the deposit of PF contribution along with prescribed penalty being imposed by the EPFO, the NDMC stated that the EPF had been deducted from all the eligible Muster Roll Workers from the wages/salary of June paid in July, 2015 with matching contribution by the NDMC. The amount along with the administrative charges would be deposited by 15th July, 2015 with the EPFO, i.e. within the Statutory period. The NDMC further stated that summons had been received from the EPFO, Wazirpur Industrial Area for the period January, 2011 to May, 2015 for appearance along with the relevant records.

36. When the Committee desired to be apprised of the mechanism developed to check the muster roll, wage register, deduction register and overtime register, the NDMC stated that the registers were being maintained at sub-division level and checked by Divisional In-charge. Officer-in-charge also checked the same on random basis.

37. When the Committee enquired about the difference in wages of regular vis-à-vis contractual employees, the NDMC apprised that 5997 numbers of Muster Roll workers were drawing wages as per the minimum wages notified by the Government of NCT of Delhi which were lesser than the wages, i.e. minimum Rs.15000/- per month drawn by regular staff.

38. In order to have a first hand knowledge at the ground level as well as to check the veracity of the written and oral submissions of the representatives of NDMC, the Chairperson, Standing Committee on Labour, met some of the Regular Muster Roll (RMR) workers and enquired whether they were getting wage slips, bonus, EPF Statement, etc. The RMR workers apprised the Chairperson that right from their engagement as muster roll workers they have never received any wage slip. Though the subscription towards EPF has been deducted from the month of June, 2015, no EPF Statement or Account Number had been issued/ communicated to them. They also informed that during the current year, they have not been given bonus; instead, they were given one LED Bulb.

VIII. MONITORING

39. When the Committee desired to know the mechanism put in place to conduct checks/super-checks or surprise checks on the contractor as well as the nominated representatives of the Council to avoid any exploitation of the contract/ casual workers, the NDMC submitted that checks/super-checks or

surprise checks were regularly made by the HOD concerned and the respective HOD/Branch In-charge and by the Vigilance Department too.

40. In regard to the mechanism developed to deal with the disputes between a contractor and the contract labour, the NDMC apprised that as per the contractual agreements, appointment of arbitrator was envisaged in the agreement signed by the contractor and the NDMC.

41. When asked whether registers were being maintained by the contractors, the NDMC informed that all registers such as wages registers, leave register, register of workman, etc. were maintained by the contractors which were being checked and verified by the field staff on a regular basis.

42. During evidence, in this context the Chairman, NDMC, submitted:-

“When there is an appraisal system, whatever needs to be given, those are checked by our supervisory officers. In case they do not maintain that, we can blacklist them and we can cancel their license. Whatever EPF, Maintenance, Bonus, etc. is given is being checked by the supervisory staff.”

IX. AVAILABILITY OF INFORMATION ON WEBSITE

43. During the evidence held on 3rd March, 2015, the Committee desired to have the details of all the Contractors, *viz.* their names and addresses, License Number, work site details, nature of work, number of workers under each contractor, EPF and ESI code number and payment details uploaded on the Website of the NDMC so that the observations in respect of implementation of the labour laws could be easily detected and corrective measures taken.

44. The NDMC, in their post-evidence reply, submitted that the contract had been assigned through e-Procurement and other details of the work awarded were available on NDMC website, i.e. www.ndmc.gov.in, where details showing name, address, license number of work along with payment details were uploaded and details could be accessed by the general public.

X. FATAL/NON-FATAL ACCIDENTS

45. In response to a specific query of the Committee regarding fatal/non-fatal accidents which occurred during execution of works during the last five years and the policy put in place to cater to the medical needs and compensation, etc., of accident victims, the NDMC stated that three cases of fatal accident of contractual labour had occurred in the last five years. They have also provided details of those cases which are placed at **Annexure-II**. The NDMC further submitted that medical measures/compensation were ensured to all the contractual labours/ workers engaged by the NDMC through the contractors as per provisions of the Workman Compensation Act, 1923. This was ensured through insertion of the General Conditions of Contract signed by the NDMC with the contractors.

46. Elaborating over the issue, the Chairman, NDMC, submitted in evidence that during the last three years there was no data of fatal accidents. He further stated that the primary responsibility to prevent accidents and to pay

compensation to the accident victims was that of the contractor. Cases were registered under IPC and CPC with the Police in the event of any accident.

PART-II

OBSERVATIONS/RECOMMENDATIONS

In the process of examination of the subject "Deployment of Contract/Casual/Sanitation Workers for perennial nature of jobs in NDMC", which was taken up by the Committee in the year 2014, a List of Points was sent to NDMC for obtaining written replies thereto. A perusal of the replies received from NDMC for the first time, and that too after much persuasion, revealed that they were not only grossly deficient and incomplete in many respects but the pertinent queries made by the Committee were also responded to in a casual manner. The written replies obtained for the second time were also found to be a mere repetition of what was replied to earlier by the NDMC. Due to this, two sittings of the Committee slated for taking evidence of the representatives of the MHA/NDMC had to be adjourned. The Committee, while taking a serious view of the demeanor of the NDMC, bordering on a taken-for-granted attitude and its casual approach in dealing with matters

concerning Parliament and its Committee, would at the outset, strongly condemn the conduct of the NDMC therefore and accordingly expect the Ministry to prevail upon the Council to exercise due diligence and display utmost seriousness while dealing with Parliamentary matters in future.

2. The Committee note that in the course of discharging its obligatory and discretionary functions and responsibilities, NDMC is permitted to deploy contract labour under the provisions of 'The Contract Labour (Regulation and Abolition) Act, 1970'. According to the NDMC, such contract labours are partially appointed in cleaning, sweeping, security and other related works and also in some other few categories like Junior Engineer, Data Entry Operator, Clerical Assistants, Teachers, etc., on the ground of administrative exigencies. The Committee are not inclined to accept the reasoning adduced by the Council for the deployment of contract labour in the aforesaid categories of posts as all the above listed works performed by the outsourced workers apparently seem to be

perennial in nature and belong to core functions of the Council. While expressing reservations over the deployment of contract labour for jobs of a perennial nature, the Committee desire the NDMC to desist from this practice act and in case any such outsourcing is genuinely found to be unavoidable and exigent, the contract labour so appointed should be permanently absorbed in the Council, once they have rendered the required length of service.

3. The Committee are deeply concerned to observe that until the subject was taken up for examination by them, the NDMC was either ignorant or deliberately ignoring compliance of the Labour Laws prevalent in the Country as a result of which, the contractors appointed by the NDMC neither followed nor were inclined to follow the prescribed procedures and provisions of the Labour Laws. As per the report submitted by the Labour authorities under the Ministry of Labour and Employment, most of the contractors were working without obtaining valid labour licenses and were also not extending the EPF and ESI

facilities to the contract labour. The Committee, however, draw some solace from the fact that after the Committee's deliberations with MHA/NDMC, held on 27th May 2015, the Council had issued directions to all contractors for obtaining necessary labour licenses and EPF and ESI codes, wherever applicable. As per the instructions of the Committee, a list of contractors has also been provided to the Labour, EPF and ESI Departments and subsequently special camps have also been organized by the three Organisations for the registration/awareness of the contract workers. The Committee, while taking note of the efforts made by the NDMC, albeit late, desire that a definite timeline be given to all the contractors for completing the formalities leading to compliance with EPF and ESI coverage of the workers deployed by them. The Committee also impress upon the NDMC to insert suitable clauses in future contractual agreements so as to make sure that the contractors honour the prescribed provisions towards wages, gratuity and social security for the contract workers.

4. As per information submitted to the Committee, there are 428 contractors enlisted with the NDMC. However, when the Committee desired the details of all the 428 contractors, i.e. their addresses, EPF & ESI code numbers, number of workers engaged by them, wages given, etc. to be provided to EPF/ESI/CLC Authorities for verification, the NDMC furnished the details of 126 contractors only. On cross checking by the abovesaid authorities, it was found that out of the 126 contractors, only 60 contractors have complied with the EPF requirement and 58 with the ESI provisions as yet. The Committee deplore this state of affairs and desire that details of the rest of the contractors be provided forthwith to the Authorities for verification and a time-bound ultimatum be issued to all the contractors engaged by the NDMC to unfailingly extend all the social security benefits, as prescribed under the relevant labour laws, to the workers deployed by them.

5. The Committee note that the coverage of muster roll workers under the EPF in the NDMC started from May, 2015 and EPF has been deducted from all the eligible workers from the wages/salary of June, 2015 with matching contribution by the Council. In this context, the Committee find that as the NDMC came under the EPF Act w.e.f. January, 2011, summons have been issued by the EPFO to the NDMC for appearance along with the relevant records to calculate the EPF deposit with retrospective effect, i.e. January, 2011. The Committee take a serious view of the statement made by the representatives of EPFO that they are not getting the required cooperation from the NDMC to sort out the matter. The Committee desire the Council to extend full cooperation to the EPFO, initiate prompt action and produce all the relevant records before the PF Authorities so that the workers who are entitled to be covered under the EPF retrospectively are brought under its ambit starting January, 2011 and their subscription from January, 2011 till May 2015 be calculated and deposited in their respective accounts, along with the penalty, if any, imposed by the EPFO.

6. The Committee note that the contract workers receive minimum wages as prescribed by the Government of NCT of Delhi which remain static for the whole duration of the contract. The Committee are given to understand that while entering into contractual agreements, there is generally an automatic variable provision for the prices of cement, steel and other raw materials, whereas no such variable provision is prescribed for the revision of wages. As per law, the minimum wages are to be revised after every six months, but in the absence of any variable provisions for upward revision of wages in the contract agreement itself, the workers are bound to work on the fixed wages during the entire tender period and thus subject to exploitation by the contractors. The Committee are of the considered opinion that the basic concept in any tender document is to take care of the variables during the contract period and revision of wages is one such most important variable which ought to be taken into consideration in order to take a better case of the interests of labour. The Committee feel that the NDMC, having the functional autonomy, should find no difficulty in doing the needful in the matter. They,

therefore, exhort the NDMC that henceforth tender documents should clearly stipulate that along with other variables, revision of minimum wages also has to be appropriately taken care of till the contract remains in vogue.

7. According to the NDMC, disbursement of wages by the contractors is being made in the presence of Assistant Engineer/Junior Engineer and the Divisional Heads conduct periodic inspections to ensure payment of wages to the contract workers as per rules. The Committee feel that these are steps in the right direction and ought to be continued so as to deter under-payment to, and exploitation of, the contract labour. The Committee also recommend that when the contract workers are made to perform same/similar kind of works, as being performed by the regular employees, the principle of equal pay for equal work should invariably be invoked.

8. The Committee note that there are around 6000 muster roll workers who are directly employed by the NDMC for proper maintenance of roads, buildings, parks and gardens in the NDMC area. The Committee further note that during the last five years, 710 Regular Muster Roll (RMR) workers have been regularised. What concerns the Committee is the fact that the muster roll workers who complete a minimum of 500 days of service on a particular date are given the status of RMR workers and only after that they are considered for regularisation, whereas as per the extant rules, workers who complete a minimum of 240 days of service are considered for regularisation. According to the NDMC, the Council is not having adequate number of sanctioned posts because of which they are unable to regularise the workers after 240 days of service. In order to overcome the constraints in the matter, the NDMC is reportedly planning to conduct a study to gauge the actual requirement of additional manpower, besides imparting skill development training programme for six to twelve months to the muster roll workers. While taking note of the statement of intent by the NDMC, the Committee recommend to the

Council to expeditiously come out with concrete action in terms of conducting the proposed study and imparting skill development training so as to ensure progressive regularisation of the large number of muster roll workers who have completed 240 days of service and the resultant removal of wage disparity between the muster roll workers and the regular staff.

9. The Committee note that in order to become eligible for gratuity, a minimum of five years of service is to be rendered by an employee; further, as clarified by the Regional Labour Commissioner in evidence it is not necessary that he/she should have worked under a single employer. The problem in the NDMC is that the tenders floated by it are of shorter durations, viz. two years, after which, if the contractor changes, the next contractor either deploys his own people or refuses to acknowledge the services rendered by the workers deployed by the previous contractor. In such a scenario, the sufferers are the hapless contract workers. Taking into consideration the fact that if any agency employs above 10

persons, it has the obligation to get the workers enrolled under ESI, the Committee are of the firm opinion that it is as much the responsibility of the NDMC as that of the contractor to adhere to the provisions enshrined in the ESI Act and cover all the workers under the ESI. The Committee, therefore, want the NDMC to ensure that whenever a contract is awarded, the contractors are enrolled under the ESI. Besides, with a view to avoiding litigations, the NDMC should deduct the gratuity amount from the previous contractor's final bill and put it in a dedicated fund or hand it over to the next contractor for the purpose. Since the NDMC executes jobs of continuous or regular nature, the Committee further desire the Council to ensure that the contract workers continue, the change of contractors notwithstanding.

10. The Committee are deeply concerned to note the submission of some RMR workers that they have never been issued any wage slips since the time of their engagement in the NDMC nor any EPF statement/ Account Number has been

issued to them. Worse still, they have not been given any bonus during the current year. Though the NDMC repeatedly claimed that all the workers are regularly being issued wage slips, the Committee feel that there are some loopholes which need to be identified and plugged as such. Therefore, the NDMC should urgently initiate corrective measures and ensure that all the workers are invariably issued the wage slips every month in addition to the PF statement and Account Number, failing which stern action be taken against the delinquent supervisory staff. The Committee further desire that the NDMC should earnestly consider giving bonus to all its eligible employees during the current year.

11. Though the NDMC have claimed that checks/super checks or surprise checks are regularly made by the HOD concerned, by the respective Branch In-charge as also by the Vigilance Department, the discrepancies/anomalies in the coverage of workers under ESI, EPF, Gratuity, issue of wage slips and EPF statements and overall implementation of labour

laws, as pointed out in the preceding paragraphs, reinforce the Committee's apprehensions over the inadequate monitoring mechanism in the NDMC. Further, a scrutiny of the wage register/muster roll revealed that the register had been signed by the JE/AE concerned without date, stamp and the certificate contrary to as has been prescribed under the Contract Labour Act, 1970. The Committee, therefore, impress upon the NDMC to strengthen the extant monitoring system and intensify checks/inspections so as to ensure that the contract and muster roll workers get their legitimate rights and that the labour laws are honoured in letter and spirit. The Committee further desire that the supervisory staff must invariably certify on each page of the wage register/muster roll as prescribed in the Contract Labour Act, besides putting signature with the date and stamp.

12. The Committee were informed that details showing name, address and license number of the contractors along with payment details are uploaded on the NDMC website, i.e.

www.ndmc.gov.in and such details are accessible to the general public. However, the Committee find that as of now the NDMC have not displayed the details of the contractual works in progress, the list of contractors, working/construction sites, number of workers under each contractor, labour license number, ESI and EPF code of the contractors, etc. The Committee strongly recommend that all these details must be put on the NDMC website which could be accessible to any interested party/stakeholder. The Committee further desire that the details of the officials responsible for the updating of the site may also be notified at the end of the home page so as to fix responsibility and ensure regular updating of the website.

13. The Committee are concerned to note that during the last five years, there were reportedly three cases of fatal accidents of contract labour. According to the NDMC, medical treatment and compensation to the accident victims and their family members are ensured through insertion of the General Conditions of Contract signed by the NDMC with the contractors

and as per the provisions of the Workmen Compensation Act, 1923. But, a scrutiny of the documents furnished by NDMC revealed that only in one case compensation of Rs 50,000/- has been paid to the heir of the deceased labour despite an agreement to provide Rs.3,00,000/- as compensation; the matter is sub-judice at present. Even more disturbing is the fact that in the other two cases, though the accidents occurred in 2013 and 2015, not even a single rupee has been given to their heirs as compensation. Such instances negate the claims of the NDMC that compensations to the accident victims are ensured. The Committee, therefore, desire that the NDMC should make concrete efforts and ensure that the accident victims get timely treatment and compensations under the General Conditions of Contract; failing which stringent action be taken against the contractor concerned. The Committee further urge the NDMC to prevail upon the contractors to adhere to adequate and requisite safety measures so as to prevent fatal accidents and grave mishaps in future.

New Delhi;
December, 2015
Pausha, 1937 (Saka)

DR. VIRENDRA KUMAR
 CHAIRPERSON
 STANDING COMMITTEE ON LABOUR

ANNEXURE-I

Subject List of Establishment against whom the Prosecution Complaint under Contract Labour Act is already filed in the Hon'ble Court of Metropolitan Magistrate, Patiala House, New Delhi

1. Sh. Krishan Mohan (Executive Engineer), (R-V), SBS Place New Delhi.
2. Sh. Krishan Mohan (Executive Engineer), (R-IV), SBS Place New Delhi.
3. Executive Engineer (BH-I) Civil Engineers Deptt.
4. Executive Engineer
5. Sh. H.C. Sharma (Executive Engineer).
6. Sh. M. Khan.
7. Sh. Ajay Kumar (Chief Security Officer).
8. Dr. P.K. Sharma (Medical Officer Of Health).
9. Sh. Raj Shekhar (Executive Engineer).
10. Sh. V.K. Nimesh (Executive Engineer)
11. Sh. A.K. Agarwal (Executive Engineer)
12. Sh. R.A. Bharti (Executive Engineer)
13. Sh. R.K Garg (Executive Engineer)
14. Executive Engineer (SM)
15. Sh. V.K Nimesh (Executive Engineer)
16. Dr. Alka Saxena (SM)
17. Executive Engineer (Stadia Project)
18. Sh. William Parasar (Executive Engineer)
19. M/s Aadhar Stumba Township (P) Ltd
20. M/s Advance Securitas Pvt. Ltd
21. M/s Advance Securitas Pvt. Ltd
22. M/s Bimla Enterprises
23. M/s Comfort System
24. M/s ESS, BEE, Associates
25. M/s G&G Housekeeping Agency Pvt. Ltd
26. M/s Good G Services Pvt. Ltd
27. M/s Good Year Security Services (R)
28. M/s H.R. Builders
29. M/s Jatayu Enterprises
30. M/s KSR. Enterprises
31. M.S. Vigilant Security Placement & Detective Services Pvt. Ltd
32. M/s R.K Jain & Sons Hospitality Services Pvt. Ltd
33. M/s Skylark Securitas Pvt. Ltd
34. M/s V.K Engineer & Contractors
35. M/s G&G Services Pvt. Ltd
36. M/s G&G Services Pvt. Ltd
37. M/s G&G Services Pvt. Ltd
38. M/s Metro Waste Handling Pvt. Ltd
39. M/s R.K Jain & Sons Hospitality Services Pvt. Ltd
40. M/s Sulabh International Social Services Organization

Detail of Inspection of the Establishment of Contractors In NDMC

S.NO	Name and address of the establishment	Act under which inspection conducted	Nature of works on contract	Licence Under CL (R&A) Act, 1970	Number Of Workmen	Date of Inspection	No of Irregularities	Progress/further action
1	M/s GNG Services Pvt. Ltd, C-258-A Pandav Nagar Delhi-110092.	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance Work of Talkatora Indoor Stadium	Working without valid labour licence	89	09.07.2015	12	Inspection report-cum show cause issued and follow up action will be taken as per law.
2	M/s R.K Jain & Sons Hospitality Pvt. Ltd, 96, Bhagat Singh Market New Delhi-110001	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance at Mohan Singh Place	Working without valid labour licence	33	09.07.2015	16	Inspection report-cum show cause issued and follow up action will be taken as per law.
3	M/s Super System Engineers F-Block Pocket 3/201, Sector -16 Rohini Delhi-110085	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance, at Netaji Nagar Service Centre.	Working without valid labour licence	19	09.07.2015	15	Inspection report-cum show cause issued and follow up action will be taken as per law.
4	M/s Shivaji Cost Co. RZF-877-C, Raj Nagar Part-II Netaji Subash Marg New Delhi-110045	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance, at Palika place	Working without valid labour licence	24	09.07.2015	18	Inspection report-cum show cause issued and follow up action will be taken as per law.
5	M/s Shivaji Const Co.	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance at, Swati working girls Hostel, Mandir Marg	Working without valid labour licence	24	09.07.2015	12	Inspection report-cum show cause issued and follow up action will be taken as per law.

6	Sh. Bipin Kumar	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance at Swati working girls Hostel, Mandir Marg	Working without valid labour licence	16	10.07.2015	14	Inspection report-cum show cause issued and follow up action will be taken as per law.
7	M/s A.K Builders	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance at Aditya Sadan Housing Complex	Working without valid labour licence	18	10.07.2015	13	Inspection report-cum show cause issued and follow up action will be taken as per law.
8	M/s International Institute of Sulabh System, RZ/H-2-160, Bengali Colony, Mahavir Enclave, Palam Dabri Road, New Delhi-110045	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Cleaning, Sweeping and maintenance of Palika Maternity Hospital Lodi Colony New Delhi	Working without valid labour licence	53	10.07.2015	18	Inspection report-cum show cause issued and follow up action will be taken as per law.
9	M/s Goodluck Enterprises, N-37 Extn. Dk Road, Mohan Garden Uttam Nagar, New Delhi-110059	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	Maintenance at Palika Maternity Hospital, Lodi Colony, New Delhi	Working without valid labour licence	48	10.07.2015	17	Inspection report-cum show cause issued and follow up action will be taken as per law.
10	Consortium Hitech Pvt. Ltd, B-78, Flatted Factory Complex, Okhla New Delhi-110020	Inspection Conducted Under CL(R&A) Act, Minimum Wages Act, Payment of Bonus Act)	AMC of computers and peripherals	Working without valid labour licence	20	10.07.2015	16	Inspection report-cum show cause issued and follow up action will be taken as per law.

ANNEXURE-II**Case No. 1 :**

Name of the Labour : Sh. Mantu Bhasrdar
Contractor Name : Sh. Naresh Kumar Gupta
Division : C-III Division

An accident of labour namely Late Sh. Mantu Bhasrdar S/o Late Sh. Bhagwat Bhasrdar R/o Gram Satta, Banamanakhi, Thana Banamanakhi, Distt. Purnia, Bihar, Pincode-854202 was occurred at site of work at service centre, Fire Brigade Lane, New Delhi on 29.11.2014. The injured labour was immediately admitted to RML Hospital on 29.11.2014 vide MLC No. E/254186/14 who expired on 30.11.2014 at 05.00 AM in RML Hospital. Thereafter case was registered at police station at Barakhamba Road vide FIR no. 181/2014 u/s 288/337.

An agreement between the wife of deceased, Smt. Babita and the agency has taken place for paying Rs.3 lakh as compensation amount. An interim advance payment of Rs.50000/- has been received by Smt. Babita W/o Late Sh. Mantu Bhardar in the presence of her relatives and other workers as witness and agreed to received the balance payment of Rs.2.5 lakh in court (copy enclosed).

A case was filed by Smt. Babita in the court of Commissioner Compensation vide case no. 01/WCD/DLC/NDD/2015/440 dated 11.03.2015 Vs. Naresh Kumar Gupta (Agency) where NDMC has been made a party to it.

Case No. 2 :

Name of the Labour : Smt. Zebakaushar
 Contractor Name : Sh. Devender Kumar
 Division : BM(PK) Division

An accident of labour namely Late Smt. Zebakaushar W/o Mohd. Tabrez Alam R/o IT Huts, Peshwa Road, Gole Market, New Delhi, was occurred at site of work "Improvement to Mayur Bhawan SH: recasting of chhajja restoration façade and misc. work at Mayur Bhawan, on 22.04.2015. The Labour was immediately admitted to RML Hospital on 22.04.2015 vide MLC No. E/89007/15 who expired on 22.04.2015 in RML Hospital. Thereafter case was registered at Police Station, Barakhamba Road, vide FIR No. 50/2015 u/s 337.

The claim of insurance processed for settlement vide Insurance Policy No. 215100/48/2015/4784, Oriental Insurance Co. Ltd as the agency i.e. Sh. Devender Kumar insured their working labour. Regarding policy in this regard there is a recovery clause of compensation vide clause No. 18(A) of the work agreement which is reproduced here under "in every case in which by virtue of provision sub section (1) of section 12 of the Workmen's Compensation Act, 1923, NDMC is obliged to pay compensation to a workman employed by the contractor, in execution of the work, NDMC will recover the amount from the contractor as a compensation so paid and without prejudice to the right of the NDMC under sub section (2) of section 12 of the said Act, NDMC shall be at liberty to recover such amount or any part thereof by deducting it from the security deposit or any some due from NDMC to the contractor whether under the contract or otherwise. NDMC shall not be bound to contest any claim made against it under sub section (1) of section 12 of the said Act, except on the written request of the contractor and upon his giving to NDMC full security for all costs for which NDMC might become liable to consequence of contesting such claim."

Case No.3:

Name of the Labour : Shri Kailash Chandra Sharma
Contractor Name : Mr. J.S. Bawa, M/s JPS Company
Division : C-II (Electric & MN)

In one of the work executed by Contractor, engaged by NDMC, burned injuries were sustained by one of the worker on 22.01.2013. The worker was admitted in the Govt. Hospital and subsequently discharges after providing medical treatment. Thereafter due to post discharge complications while undergoing treatment the worker expired on 05.02.2013.

FIR is registered in the matter and case under investigation by Delhi Police.

APPENDIX**Confidential****STANDING COMMITTEE ON LABOUR**
(2014-15)**Minutes of the Seventeenth Sitting of the Committee**

The Committee sat on 3rd March, 2015 from 1540 hrs. to 1620 hrs. in Committee Room `C', Parliament House Annexe, New Delhi.

PRESENT**Dr. Virendra Kumar – Chairperson****MEMBERS
LOK SABHA**

2. Shri Rajesh Kumar Diwakar
3. Shri Satish Chandra Dubey
4. Shri C.N. Jayadevan
5. Shri Bahadur Singh Koli
6. Shri Kaushalendra Kumar
7. Shri R. Parthipan
8. Shri Hariom Singh Rathore
9. Shri Udayanraje Pratapsingh Bhonsle

SECRETARIAT

- | | | | |
|----|------------------------|---|----------------------|
| 1. | Shri Devender Singh | - | Additional Secretary |
| 2. | Shri Ashok Sajwan | - | Director |
| 3. | Shri D.R. Mohanty | - | Deputy Secretary |
| 4. | Smt. Archana Srivastva | - | Under Secretary |

Witnesses

Representatives of NDMC

1. Smt. Shakuntala D. Gamlin, Principal Secretary, Delhi Government
2. Shri Nikhil Kumar, Secretary
3. Shri Anant Kumar, Chief Engineer (Civil)
4. Shri A.K. Joshi, Chief Engineer (Elect.)

Representatives of Ministry of Home Affairs

1. Shri R.K. Sharma, Joint Secretary

2. At the outset, the Chairperson welcomed the Members and the representatives of the NDMC and Ministry of Home Affairs to the sitting of the Committee, convened to have a briefing by the Ministry on the subject 'Deployment of contract/casual workers/sanitation workers for perennial nature of jobs in NDMC'. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked the Principal Secretary, NDMC to give an overview of the subject matter. The Principal Secretary accordingly gave a power-point presentation on the subject matter.

3. As the written replies furnished by the NDMC were incomplete, casual and full of errors, the Committee, while cautioning the NDMC, decided to adjourn the meeting and asked NDMC to furnish the requisite replies with due care within one month after which the Committee would decide further course of action.

The witnesses then withdrew

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

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR
(2014-15)

Minutes of the Twenty-second Sitting of the Committee

The Committee sat on 27th May, 2015 from 1430 hrs. to 1600 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar – Chairperson

**MEMBERS
LOK SABHA**

2. Shri Rajesh Kumar Diwakar
3. Shri Ashok Dohare
4. Shri Devajibhai Govindbhai Fatepara
5. Shri C.N. Jayadevan
6. Shri Bahadur Singh Koli
7. Shri Kaushalendra Kumar
8. Shri Kodikunnil Suresh
9. Dr. Arun Kumar

RAJYA SABHA

10. Shri Aayanur Manjunatha
11. Shri Tapan Kumar Sen
12. Shri Rajaram
13. Shri Ravi Prakash Verma
14. Shri P.L. Punia
15. Shri Nazir Ahmed Laway
16. Ms. Dola Sen

SECRETARIAT

1. Shri Ashok Sajwan - Director
2. Smt. Archana Srivastva - Under Secretary

Witnesses

Representatives of the Ministry of Home Affairs

- | | | |
|----|-------------------|----------------------|
| 1. | Shri Rakesh Singh | Joint Secretary (UT) |
|----|-------------------|----------------------|

Representatives of NDMC

- | | | |
|----|---------------------|---------------------------|
| 1. | Shri Dharam Pal | Chairman |
| 2. | Shri Anant Kumar | Chief Engineer (Civil) |
| 3. | Shri Hamvir Singh | Chief Engineer (Civil-II) |
| 4. | Shri A.K. Joshi | Chief Engineer (Elect-II) |
| 5. | Shri P.K. Sharma | MOH |
| 6. | Smt. Geetika Sharma | Director (Personnel) |

Representatives of the Ministry of Labour and Employment

- | | | |
|----|----------------------|---|
| 1. | Shri P.K. Udgata | Additional Central Provident Fund
Commissioner |
| 2. | Shri M.K. Choudhary | Dy.CLC (C), HQ |
| 3. | Shri S.S. Cheema | Dy.CLC (C), Delhi Region |
| 4. | Shri S.K. Das | RLC (C), Delhi Region |
| 5. | Shri Niranjana Kumar | ALC (C), Delhi Region |
| 6. | Shri Arun Kumar | Additional Commissioner, ESIC |

2. At the outset, the Chairperson welcomed the Members and the representatives of the Ministries of Home Affairs and Labour & Employment and the Officials of NDMC to the sitting of the Committee, convened to take evidence of the Ministry of Home Affairs and NDMC on the subject 'Deployment of Contract/Casual/Sanitation workers for perennial nature of jobs in NDMC'. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked the Chairman, NDMC to give an overview

of the main points concerning the subject matter. The Chairman, NDMC accordingly gave a power-point presentation on the subject matter.

3. The Dy. CLC(C) Headquarter apprised the Committee regarding inspection carried out by his office on the various establishments and contractors of NDMC and violation of Labour laws found therein the Committee expressed their annoyance and directed the NDMC to look into the matter and set the things right within a month.

4. Expressing displeasure over the casual manner in which the written replies were prepared and submitted by NDMC as well as their unpreparedness in properly responding to the queries of the Members in evidence, the Committee, while cautioning the NDMC, decided to adjourn the meeting. The Chairperson asked NDMC to furnish the requisite replies with due care within fifteen days after which the Committee would decide further course of action. The Joint Secretary, Ministry of Home Affairs expressed his apology and assured that the revised written reply would be furnished to the Committee within the given time frame. The Joint Secretary also informed the Committee that within a week he would hold a meeting of the representatives of NDMC, CLC office, EPFO and ESIC to sort out all the Labour and social security related issues of the contract Labourers.

5. The Chairperson then asked the representatives of the Ministry of Labour and Employment to take stock of the compliance of NMDC to various statutory provisions of the Labour Laws and report back to the Committee within one month. They assured to comply.

The witnesses then withdrew

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

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR

(2014-15)

Minutes of the Twenty Seventh Sitting of the Committee

The Committee sat on 15th July, 2015 from 1100 hrs. to 1245 hrs. in Room No. 'G-074', Parliament Library Building, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar
3. Shri Satish Chandra Dubey
4. Shri C.N. Jayadevan
5. Shri Bahadur Singh Koli
6. Shri Kaushalendra Kumar
7. Shri Hari Manjhi
8. Dr. Arun Kumar

RAJYA SABHA

9. Shri Aayanur Manjunatha
10. Shri Tapan Kumar Sen
11. Shri Rajaram
12. Shri Ravi Prakash Verma
13. Shri Nazir Ahmed Laway

SECRETARIAT

- | | | | |
|----|------------------------|---|------------------|
| 1. | Shri Shiv Kumar | - | Joint Secretary |
| 2. | Shri Ashok Sajwan | - | Director |
| 3. | Shri D.R. Mohanty | - | Deputy Secretary |
| 4. | Smt. Archana Srivastva | - | Under Secretary |

Witnesses

Representative of the Ministry of Home Affairs

Shri Rakesh Singh

Joint Secretary (UT)

Representatives of NDMC

- | | | |
|----|---------------------|-------------------|
| 1. | Shri Naresh Kumar | Chairman |
| 2. | Shri Nikhil Kumar | Secretary |
| 3. | Shri Kr. Hrishikesh | Financial Advisor |

2. At the outset, the Chairperson welcomed the Members and the representatives of the Ministry of Home Affairs and NDMC to the sitting of the Committee convened to take evidence of the Ministry and NDMC on the subject 'Deployment of Contract/ Casual/ Sanitation workers for perennial nature of jobs in NDMC'. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential' and appreciating the measures taken by NDMC subsequent to the suggestions made by the Committee at their sitting held on 27th May, 2015, for bringing in improvements in the working conditions of labour as per the statutory requirements to this effect under the Labour Laws, the Chairperson asked the Chairman, NDMC, to give an overview on further improvements contemplated for the overall benefit of contract/casual labour.

3. The Secretary, NDMC, gave a power-point presentation highlighting *inter-alia* further measures taken/proposed in this regard which included withholding the payments due to contractors-pending compliance of various statutory requirements by them, issuance of instructions to the field officers to ensure strict compliance of the provisions of the Contract Labour Act, organising training workshops to clarify legal position of different issues, holding regular interaction with the Labour, EPFO & ESIC Departments, etc.

4. As some queries made by the Committee during evidence required detailed reply, the Chairperson asked the Chairman, NDMC, to submit written replies within 10 days to the queries which remained unanswered as well as to the questionnaire which was then handed over to them. The Chairman, NDMC, assured to comply therewith.

5. The Chairperson thanked the representatives of the Ministry of Home Affairs and NDMC for appearing before the Committee and furnishing the information desired by the Committee.

The witnesses then withdrew

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

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR

(2015-16)

Minutes of the Seventh Sitting of the Committee

The Committee sat on 17th December, 2015 from 1500 hrs. to 1515 hrs.
in Committee Room 'A', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

LOK SABHA

1. Shri Ashok Dohare
2. Shri Devjibhai Fatepara
3. Shri Satish Kumar Gautam
4. Shri Bahadur Singh Koli
5. Shri R. Parthipan
6. Shri Hariom Singh Rathore

RAJYA SABHA

7. Shri Nazir Ahmed Laway
8. Shri P.L. Punia
9. Haji Abdul Salam
10. Smt. Dola Sen
11. Shri Ravi Prakash Verma

SECRETARIAT

- | | | |
|---------------------------|---|----------------------|
| 1. Shri K. Vijayakrishnan | - | Additional Secretary |
| 2. Shri Ashok Sajwan | - | Director |
| 3. Shri D.R. Mohanty | - | Additional Director |
| 4. Smt. Archana Srivastva | - | Under Secretary |

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened for consideration and adoption of the draft Report on the subject 'Deployment of contract/casual/sanitation workers for perennial nature of jobs in NDMC'. Giving an overview of the main/important Recommendations contained in the Draft Report, the Chairperson requested the Members to give their suggestions on them, if any.

3. The Committee, then, took up the draft Report for consideration and adopted the same after some discussion.

4. The Committee authorized the Chairperson to finalise the Report in the light of consequential changes that might arise out of the factual verification of the draft Report and present/lay the same to both the Houses.

The Committee then adjourned.