

29

STANDING COMMITTEE ON LABOUR

(2016-17)

(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

[Action taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-Third Report (Sixteenth Lok Sabha) on Demands for Grants (2017-18) of the Ministry of Labour & Employment]

TWENTY-NINTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

November, 2017/ Kartika, 1939 (Saka)

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**[Action Taken by the Government on the Observations/
Recommendations of the Committee contained in their Twenty-
Third Report (Sixteenth Lok Sabha) on 'Demands for Grants (2017-
18)' of the Ministry of Labour and Employment]**

Presented to Lok Sabha on 28.12.2017

Laid in Rajya Sabha on 28.12.2017



LOK SABHA SECRETARIAT

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR (2016-17)

DR. KIRIT SOMAIYA - CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Kumar Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Govindbhai 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 Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Y.S. Avinash Reddy
19. Shri Naba Kumar Sarania (Hira)
20. Shri Kodikunnil Suresh
21. Shri Mulayam Singh Yadav

Rajya Sabha

22. Shri Ram Narain Dudi
23. Shri N. Gokulkrishnan
24. Shri Nazir Ahmed Laway
25. Shri P.L. Punia
26. Shri Rajaram
27. Shri Amar Shankar Sable
28. Shri Tapan Kumar Sen
29. Shri Ravi Prakash Verma
30. * **Vacant**
31. ** **Vacant**

SECRETARIAT

- | | | | |
|----|------------------------|---|-----------------|
| 1. | Ms. Rhimjhim Prasad | - | Joint Secretary |
| 2. | Smt. Anita B. Panda | - | Director |
| 2. | Smt. Archana Srivastva | - | Under Secretary |

*vacancy occurred *vice* Haji Abdul Salam passed away on 28.2.2017.

** Vacancy occurred *vice* Ms. Dola Sen retired *w.e.f* 18.8.2017

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2016-17) having been authorized by the Committee do present on their behalf this Twenty-Ninth Report on 'Action taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-third Report (Sixteenth Lok Sabha) on Demands for Grants (2017-18) of the Ministry of Labour & Employment.

2. The Twenty-third Report was presented to Lok Sabha and laid in Rajya Sabha on 20th March, 2017. The Ministry of Labour and Employment furnished their replies indicating Action Taken on the Observations/Recommendations contained in the Twenty-third Report on 14th July, 2017. The Committee considered and adopted the Draft Report at their sitting held on 23rd August, 2017.

3. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Twenty-third Report of the Standing Committee on Labour (Sixteenth Lok Sabha) is given at Appendix-II.

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

New Delhi;
23rd August, 2017
1st Bhardrapada, 1937 (Saka)

DR. KIRIT SOMAIYA
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR

CHAPTER-I

REPORT

This Report deals with action taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-third Report (Sixteenth Lok Sabha) on Demands for Grants (2017-18) of the Ministry of Labour and Employment.

2 The Twenty-third Report was presented to Lok Sabha and also laid in Rajya Sabha on 23rd March, 2017. It contained 17 Observations/Recommendations. Replies of the Government in respect of all these Recommendations have been received and are categorized as under:-

(i)	Observations/Recommendations which have been accepted by the Government – Rec. Para Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17	Total:15 Percentage:94.12
(ii)	Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply – Nil	Total:00 Percentage:00
(iii)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – Rec. Para No. Nil	Total:00 Percentage:00
(iv)	Observations/Recommendations in respect of which replies of the Government are interim in nature- Rec. Para No. 7	Total:01 Percentage:5.88

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

I. Functions of DGFASLI/DGMS

(Recommendation Para No. 8)

4. In their original recommendation, the Committee had observed as under:

"The Committee note that 'The Factories Act, 1948', 'The Mines Act, 1952', and 'The Dock Workers (Safety, Health & Welfare) Act, 1986' are some of the legal instruments, that contain provisions regulating the health of workers in an establishment. The Acts are framed/amended by the Ministry of Labour and Employment whereas the implementation part rests with the State Governments concerned. The Committee find that whenever any accident occurs, the affected worker suffers on account of injury as well as lack/delay in grant of compensation thereof. While deposing before the Committee, the Secretary, Ministry of Labour & Employment stated that the Act is confined to setting up of parameters/guidelines etc. and if any incident happens due to faulty implementation of parameters, the State Government concerned is responsible for prosecution. The Committee opine that mere setting up of parameters is not sufficient for the safety of workers and the monitoring part must be strengthened for their safety in a hazardous work environment. They therefore, desire that the Ministry must convey to them various observations that emerge following the safety audit exercise due to be held in 2 months as well as action taken by the Ministry accordingly."

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

"Under the Constitution of India, safety, welfare and health of workers employed in mines are the concern of the Central Government (Entry 55-Union List-Article 246). The objective is regulated by the Mines Act, 1952 and the Rules and Regulations framed thereunder. These are administered by the Directorate-General of Mines Safety (DGMS), under the Union Ministry of Labour & Employment. Apart from administering the Mines Act and the subordinate legislation there under, DGMS also administers some other allied legislation, including the Indian Electricity Act.

Functions of DGMS broadly include:

1. Inspection of mines
2. Investigation into -
 - (a) Accidents
 - (b) Dangerous occurrences - emergency response
 - (c) Complaints & other matters
3. (a) Grant of :
 - (i) Statutory permission, exemptions & relaxations
 - (ii) Approval of mine safety equipment, material & appliances
 - (b) Interactions for development of safety equipment, material and safe work practices through workshop etc.
 - (c) Development of Safety Legislation & Standards
 - (d) Safety Information Dissemination

4. Conduct of examinations for grant of competency certificates.
5. Safety promotional initiatives including:
 - (a) Organisation of -
 - Conference on Safety in Mines
 - National Safety Awards
 - Safety Weeks & Campaigns
 - (b) Promoting -
 - safety education and awareness programmes
 - workers' participation in safety management through -
 - workmen's inspector
 - safety committee
 - tripartite reviews

The issue of payment of compensation to work persons due the death, injury or of contracting of notified diseases does not come under the purview of the Mines Act, 1952 or its subordinate rules and regulations.

Inspecting officers of this Directorate enforces compliance of the provisions stipulated in the statute which includes safety and provisions of occupational safety and health of work persons employed in the mines.

In the year 2016, the following activities have been done by DGMS:

Total number of inspections made	14885
Total number of Improvement Notices served	270
Total number of Prohibitory Orders issued	248
Total number of Prosecutions launched	17
Total number of Statutory Permissions dealt	3605
Total number of Field Trial Approvals accorded	124
Total number of Regular Approval accorded	243
Total number of Statutory Examinations regarding competency conducted	231

The Factories Act, 1948 is a central legislation for regulating the safety and health of the workers working in the factories registered under the Act. The state governments are empowered under the enabling provisions of the Act to frame their own State Factories Rules and both the Act and the Rules framed thereunder are enforced by the respective state governments. For violation of any of the provisions of the Act or the Rules framed thereunder, the inspectors are empowered under Section 105 of the Act to file a complaint in a Court of law for imposing penalties for the offences. The penal provisions are prescribed under Sections 92 and 96A the Act. The proviso clause to Section 92 prescribes a minimum fine of twenty five thousand rupees in case of an accident causing death, and five thousand rupees in the case of an accident causing serious bodily injury. The same is being revised by six times in the proposed Factories (Amendment) Bill, 2014. The aspect of compensation prescribed under the Employees Compensation Act is enforced by the State Governments and the

inspectors of factories are required to send a report to such authorities for processing the same. In case the workers are covered by the ESI schemes provided by the occupiers, the compensation is given by the appropriate authorities. DGFASLI, through correspondence with the Chief Inspectors of Factories collects state-wise data on the status of compliance of the Act and accident statistics and the same are compiled and published in the Standard Reference Note of DGFASLI which is uploaded in public domain. The state-wise latest information available with DGFASLI in respect of the prosecutions and convictions under Sections 92 and 96A and accident data are enclosed as Annexure-IA and Annexure-IB respectively. DGFASLI holds the Conference of the Chief Inspector of Factories of the states/ UTs in which the accidents are discussed and appropriate amendments to the Model Factories Rules framed by DGFASLI are suggested which are adopted by the State Governments in their State Factories Rules thus ensures an enhancement OSH standards thus results in reducing the accidents in factories. Further, The Factories (Amendment) Bill, 2014 seeks to empower the Central Governments, in addition to the State Governments to frame Rules under the Act. On passage of the Bill, the Central Government will be able to monitor and implement safety and health provisions of the Act and the Rules framed thereunder.

The Dock Worker (Safety, Health and Welfare) Act 1986 and the Regulations, 1990 framed thereunder are enforced by DGFASLI. The Inspectorate of Dock Safety offices are functional in the major ports of India to ensure continuous and efficient monitoring of safety and health aspects in them. The implementation of the Act and the Regulations are carried by DGFASLI and penal actions are initiated for violations of the provisions of the Act and the Regulations. The data on the enforcement and accident data in major ports are compiled in the Standard Reference Note of DGFASLI which is available in public domain. The latest information on number of prosecutions filed and accidents, as available with DGFASLI, are enclosed as Annexure-IIA and Annexure-IIB respectively."

6. The Committee in their earlier recommendation had desired the Ministry to convey to them various observations that could have emerged following the Factory and Mines Workers' safety audit exercise, which was due to be held within 2 months i.e. by May, 2017 in the establishments covered under the Factories Act, the Mines Act and the Dock Workers (Safety, Health and Welfare) Act. The Committee note that the Action Taken by Government has not been reflected in the response. They, therefore, reiterate their earlier recommendation and desire to be informed about the sepcific action taken by the Ministry in this regard.

II. Coverage of eligible worker by ESIC

(Recommendation Para No. 10)

7. In their original recommendation, the Committee had observed as under:

"As regards ESIC, the Committee note their achievements in the year 2016-17, which include revision of wage ceiling from ₹ 15000 p.m. to ₹ 21,000 p.m. w.e.f. 1.1.17 and enhancement in per IP medical expenditure ceiling from ₹ 2150 to ₹ 3000 p.a. w.e.f. 1.4.17. The Committee strongly recommend that the Ministry and ESIC should adopt a time-bound programme to ensure coverage of all legally entitled yet uncovered workers under ESIC scheme. The Committee have also noted that a new infrastructure in terms of Hospitals/Dispensaries is being planned to be rolled out in FY 2017-18. While the Committee await the outcome of these initiatives at action taken stage, they cannot but reiterate that an audit of the existing scenario in ESI hospitals must be carried out to ensure maximum bed occupancy in them. They hope that the system of awarding contracts for constructing ESI hospitals/dispensaries would also be reviewed in order to ensure transparency and accountability."

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

"For the Coverage of more employees under the scheme - Survey of the new units/Establishments are conducted by the concerned regions on the basis of the list obtained/provided from/by the different Govt. offices like EPFO, District Industries Office, labour Office etc.

Recently a Scheme to promote Registration of Employers/Employees (SPREE), the one-time drive, was launched for the period from 20.12.2016 to 31.03.2017 to extend the social security benefits to all-eligible under the Act, who had till then been kept out of the ESI coverage.

Looking to the references from Employers and Employers' Association in the matter-said Scheme has been extended up to 30.06.2017 for the coverage of more employees.

In addition to above, a letter either from Hon'ble Minister L&E to all State Labour Ministers or from Secretary, MOL&E to Chief Secretaries of State for issuing Notifications for bringing all Casual/Contract employees and contractors' employees in Govt. Offices including such employees of various projects like NACO, Skill Development Project, State Health Societies under the ambit of ESI Act and declaring the concerned Departmental Officer as Principal Employer for such employees and for appropriate directions to their all subordinate offices to ensure coverage of employees engaged through outsourcing, which are now not covered in almost all cases.

The audit of ESI Hospital is carried out by the Comptroller & Auditor General (Central). ESI Corporation also evaluates/monitors performance of ESI

Hospitals by conducting inspection through a team consisting of ESIC stakeholders. Recently, ESIC has taken up the issue with Quality Council of India for carrying out assessment of quality services in ESIC hospitals.

Since 2016, capital projects are being awarded to empanelled public sector undertakings on competition basis for Centage / Agency fee, on deposit works basis. This is in accordance in its 166th Meeting held on 07.08.2015 as well as the Rule 126(3) of GFR."

9. The Committee note that the ESIC are relying upon the survey of the new units/Establishments conducted by the concerned regions on the basis of the list obtained/provided from/by the different Government offices like EPFO, District Industries Office, Labour Office etc. and they are also expecting the employers/employees associations to come forward for their enrolment under the ESIC. The Committee feel that the ESIC, on their own, make efforts to cover the un-covered workers who are otherwise legally coverable. The Committee insist that mapping process of ESIC must be strengthened to cover the existing eligible/legally coverable workers. The Committee further desire that the latest figures of number of workers covered may be furnished to them.

CHAPTER-II
OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE
GOVERNMENT

(Recommendation No. 1)

The Committee observe that during XII Plan period an amount of ₹ 13223 crore was approved against the Ministry's projection of ₹ 34914.72 crore, out of which the Ministry could utilize an amount of ₹ 5498.74 crore. The under-utilisation of funds has been attributed mainly to the transfer of the Schemes worth ₹ 11814.19 crore to Ministry of Skill Development & Entrepreneurship after its creation in May, 2015; as well as transfer of the Rashtriya Swasthya Bima Yojana (RSBY) to the Ministry of Health and Family Welfare w.e.f. April, 2015 and also due to the fact that the Scheme of U-WIN could not take off timely. The Committee have been constantly advising the Ministry for the past few years to make the budgeting exercise more prudent and also to strengthen the monitoring mechanism so as to achieve maximum utilization of funds.

Reply of the Government

Ministry has been making its budgetary exercise more realistic. Bureau Heads have been directed to strictly adhere to duly approved Monthly Expenditure Plans so that at the end the financial year 2017-18, expenditure in respect of Ministry of Labour & Employment is as budgeted. Secretary L&E is also taking regular meetings with Bureau Heads to review the pace of expenditure.

(No.G-25015/2/2017-B&A)

(Recommendation No. 2)

The Committee note that during the Annual Plan 2016-17, the Ministry were allocated an amount of ₹1550 crore out of which ₹ 1000 crore i.e. 64.51% belonged to Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) a flagship scheme for employment generation. However, the same was later revised downwards to a mere ₹ 200 crore as the Scheme could receive approval only in August, 2016. Further, against an allocation of ₹ 30 crore, for U-WIN Card Scheme, the Ministry was able to utilize only ₹1.39 crore due to delay in finalisation of the Scheme. The Committee are of the view that once the approval process is completed, the funds could be sought at the RE stage proportionately so that the performance of the Ministry could improve. The Committee may be apprised about the steps initiated in this regard.

Reply of the Government

The Ministry had sent a draft SFC memo for creation of a national platform for unorganized workers and allotment of Aadhaar seeded identification number to them with a cost implication of Rs.471.30 crore over three years from 2017-18 to 2019-20 to Department of Expenditure(DoE) for seeking in-principle approval. A meeting in this regard was also held in DoE based on which DoE asked for certain clarifications/ modifications in the SFC. Based on the discussions, the project cost was revised to Rs.402.7 crore over two years from 2017-18 to 2018-19. Department of Expenditure has given in-principle approval of the project. SFC meeting was held under the chairpersonship of Secretary (L&E) on 25.05.2017. The SFC has been submitted for the approval of Hon'ble MOS (IC)(L&E).

(No.G-25015/2/2017-B&A)

(Recommendation No. 3)

From the details submitted on the U-Win Card Scheme, the Committee feel that the same has remain a non-starter since the beginning. They note that the Scheme was initiated in the year 2014 to be completed within three years. However, during the examination of Demands for Grants for the year 2015-16 the Committee were informed that the allocation of ₹ 320.52 crore had to be surrendered as the Scheme could not take off. According to the Secretary, (MOLE), a pan India social security platform was to be developed which was being looked into by the Cabinet Secretariat but there was neither any clarity on its character and size nor about the role and responsibility of the Ministry of Labour and Employment. Besides, service delivery modules to deliver benefits were to be prepared by respective scheme Ministries/Departments. Later, at the Action Taken stage the Ministry had conveyed to the Committee that the Central Government was re-examining the need to issue a separate smart Card in the light of the near universal coverage of Aadhaar. The Committee now note that the Component of Scheme for bio-metric authentication using smart card has been dropped and Central Government is considering the delivery of the most public welfare benefits through Aadhaar enabled platforms and DietY (Department of Electronics & Information Technology) has been asked to prepare a policy on the delivery of various public services and social security schemes using Aadhaar, Jan Dhan Policy(JDY) account and existing platforms without the issuance of new smart card. The Committee are also apprehensive of the delivery of various public services and social security schemes to the workers belonging to Jammu & Kashmir and NE region, where Aadhaar is not mandatory. Nevertheless since now 2 components of U-Win Scheme i.e. creation of database and providing an identity to the unorganized workers remain unchanged, the Committee desire that the action plan for delivery of

various public services and social security schemes in the States, particularly in J&K and NE region, must be chalked out so that the unorganized workers could be benefitted under the Scheme.

Reply of the Government

It has been decided to give all unorganized workers a unique number without issuance of a smart card. Department of Expenditure has given in-principle approval of the project. SFC meeting was held under the chairpersonship of Secretary(L&E) on 25/05/2017. The SFC has been submitted for the approval of Hon'ble MoS(IC)(L&E).

(No.G-25015/2/2017-B&A)

(Recommendation No. 4)

The Committee find that the Ministry had kept budget provisions in 2016-17 even for the Schemes which stood transferred to other Ministries in the year 2015 itself, resulting in non/under utilization of funds. The Committee opine that at least minimal budget should have been proposed/sought for those Schemes in 2016-17 which were transferred to other Ministries for consequential expenses only.

Reply of the Government

Rashtriya Swasthiya Bima Yojana (RSBY) was transferred to Ministry of Health and Family Welfare(MoHWF) on 01.04.2015 and Ministry of Labour & Employment (MoLE) was to carry out identification, registration and related activities for unorganized workers. The Budget was kept to carry out the above scheme. However, the scheme was modified/revised multiple times by MoHFW and was not finalized. Now the MoHFW is implementing the scheme in totality.

(No.G-25015/2/2017-B&A)

(Recommendation No. 5)

The Committee note that there is a mutual agreement between the Ministry of Health & Family Welfare and the Ministry of Labour & Employment that the development of new IT architecture for enrolment and issuance of Smart Card to Rashtriya Swasthiya Bima Yojana (RSBY) would be handled by Ministry of Labour and Employment and service delivery would be entrusted with the Ministry of Health & Family Welfare. The Committee are unable to figure out the need for a separate Smart Card which again would be a repetitive step, as the RSBY is also meant for un-organised workers. Since RSBY was transferred to Ministry of Health and Family Welfare in April, 2015, the

Committee would like to know the current status of the Smart Card provision under the Scheme as well as the arrangement between the two Ministries on it, if any. The Committee feel that delivery of RSBY benefits may also be considered through Aadhaar/other delivery mechanism conceived for other Social Security Schemes.

Reply of the Government

- RSBY is being implanted in totality by MoHFW.
- MoLE is working on creation of a nationalized platform for unorganized workers and allotment of Aadhaar seeded identification number to them without the issuance of smart card.

(No.G-25015/2/2017-B&A)

(Recommendation No. 6)

The Committee note that the Cess fund under 'The Beedi Workers Welfare Fund Act, 1976' had been allowed to continue after 01.04.2016. The Committee note that despite the lone welfare fund in operation, satisfactory performance against the targets set for each of the activity undertaken viz. Scholarship, RIHS, Health etc. during 2016-17 was not achieved. As cess funds are meant for the welfare of the most underprivileged section of unorganized workers population, the Committee once again impress upon the Ministry to strengthen the implementing mechanism so that the cess fund collected is fully utilised and the benefits of welfare Schemes financed through the fund actually reach the intended beneficiaries.

Reply of the Government

The details of the Welfare Schemes, which are implemented for the welfare of BeediWorkers are as follows:

1. Financial Assistance for Education:-

After introduction of National Scholarship Portal 2 (NSP.2), Scholarships of all Ministries are to be paid through this Portal and PFMS Bridge. Since due to several issues/technical problems in NSP.2 and PFMS, payment files were sent to us only in the mid of March 2017, no online payment could be made till that time (only Backlog payment of approxRs. 45 crore were spent through NEFT). Due to this, the budgetary allocation was reduced to Rs. 66.36 at RE State. However, after receipt of the payment files in March 2017, budget was increased to Rs. 77.47 crore at FE Stage. We spent around 99% of our FE

Allocation. Efforts will be taken so that maximum allocated funds could be utilized in coming financial year.

2. Housing Scheme:-

We were providing a housing subsidy of Rs. 40,000/- under RIHS 2007, which was very less in comparison to the Housing Scheme provided by M/o HUPA and M/o RD. Due to very less subsidy amount, workers were not keen to avail housing subsidy. Therefore due to less number of applications, BE worth Rs. 55.12 crore was reduced to Rs. 21 crore at FE stage. We revised the housing subsidy amount to Rs. 1.50 Lakh w.e.f. January 2017 and have removed the criteria for workers contribution (Rs. 5,000/-). By March 2017, we could spend 98% of the FE and we expect to utilize BE of Rs. 60 crore to the maximum extent possible during this Financial Year 2017-18.

3. Cell Collection and Expenditure:-

The cess collected and expenditure incurred on the Beedi Workers Welfare Fund is as follows:

2015 -16 (Rs. In crores)					2016-17 (Rs. In crores)					2017-18 (Rs. In crores)
Cess collection	BE	RE	FE	Exp.	Cess collection	BE	RE	FE	Exp.	BE
158.71	252.67	248.6	237.49	175.77	114.0	261.06	201.70	209.79	206.99	324.06

In order to streamline the disbursement of benefits and ensure no duplicacy, efforts are being taken to see that disbursal of these benefits are done through Aadhar Based Payment System put in place by the PFMS, under the Ministry of Finance. Also to achieve this, the Field units have been instructed to educate the workers on the importance of linking their Aadhar Numbers with their bank accounts.

(No.G-25015/2/2017-B&A)

(Recommendation No. 8)

The Committee note that 'The Factories Act, 1948', 'The Mines Act, 1952', and 'The Dock Workers (Safety, Health & Welfare) Act, 1986' are some of the legal instruments, that contain provisions regulating the health of workers in an establishment. The Acts are framed/amended by the Ministry of Labour and Employment whereas the implementation part rests with the State Governments concerned. The Committee find that whenever any accident occurs, the affected worker suffers on account of injury as well as lack/delay in grant of compensation thereof. While deposing before the Committee, the Secretary, Ministry of Labour & Employment stated that the Act is confined to setting up of parameters/guidelines etc. and if any incident happens due to faulty implementation of parameters, the State Government concerned is responsible for prosecution. The Committee opine that mere setting up of parameters is not sufficient for the safety of workers and the monitoring part must be strengthened for their safety in a hazardous work environment. They therefore, desire that the Ministry must convey to them various observations that emerge following the safety audit exercise due to be held in 2 months as well as action taken by the Ministry accordingly.

Reply of the Government

Under the Constitution of India, safety, welfare and health of workers employed in mines are the concern of the Central Government (Entry 55-Union List-Article 246). The objective is regulated by the Mines Act, 1952 and the Rules and Regulations framed thereunder. These are administered by the Directorate-General of Mines Safety (DGMS), under the Union Ministry of Labour & Employment. Apart from administering the Mines Act and the subordinate legislation there under, DGMS also administers some other allied legislation, including the Indian Electricity Act.

Functions of DGMS broadly include:

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- (b) Interactions for development of safety equipment, material and safe work practices through workshop etc.

- (c) Development of Safety Legislation & Standards
 - (d) Safety Information Dissemination
4. Conduct of examinations for grant of competency certificates.
 5. Safety promotional initiatives including:
 - (a) Organisation of -
 - Conference on Safety in Mines
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The issue of payment of compensation to work persons due the death, injury or of contracting of notified diseases does not come under the purview of the Mines Act, 1952 or its subordinate rules and regulations.

Inspecting officers of this Directorate enforces compliance of the provisions stipulated in the statute which includes safety and provisions of occupational safety and health of work persons employed in the mines.

In the year 2016, the following activities have been done by DGMS:

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Total number of Statutory Examinations regarding competency conducted	231

The Factories Act, 1948 is a central legislation for regulating the safety and health of the workers working in the factories registered under the Act. The state governments are empowered under the enabling provisions of the Act to frame their own State Factories Rules and both the Act and the Rules framed thereunder are enforced by the respective state governments. For violation of any of the provisions of the Act or the Rules framed thereunder, the inspectors

are empowered under Section 105 of the Act to file a complaint in a Court of law for imposing penalties for the offences. The penal provisions are prescribed under Sections 92 and 96A the Act. The proviso clause to Section 92 prescribes a minimum fine of twenty five thousand rupees in case of an accident causing death, and five thousand rupees in the case of an accident causing serious bodily injury. The same is being revised by six times in the proposed Factories (Amendment) Bill, 2014. The aspect of compensation prescribed under the Employees Compensation Act is enforced by the State Governments and the inspectors of factories are required to send a report to such authorities for processing the same. In case the workers are covered by the ESI schemes provided by the occupiers, the compensation is given by the appropriate authorities. DGFASLI, through correspondence with the Chief Inspectors of Factories collects state-wise data on the status of compliance of the Act and accident statistics and the same are compiled and published in the Standard Reference Note of DGFASLI which is uploaded in public domain. The state-wise latest information available with DGFASLI in respect of the prosecutions and convictions under Sections 92 and 96A and accident data are enclosed as Annexure-IA and Annexure-IB respectively. DGFASLI holds the Conference of the Chief Inspector of Factories of the states/ UTs in which the accidents are discussed and appropriate amendments to the Model Factories Rules framed by DGFASLI are suggested which are adopted by the State Governments in their State Factories Rules thus ensures an enhancement OSH standards thus results in reducing the accidents in factories. Further, The Factories (Amendment) Bill, 2014 seeks to empower the Central Governments, in addition to the State Governments to frame Rules under the Act. On passage of the Bill, the Central Government will be able to monitor and implement safety and health provisions of the Act and the Rules framed thereunder.

The Dock Worker (Safety, Health and Welfare) Act 1986 and the Regulations, 1990 framed thereunder are enforced by DGFASLI. The Inspectorate of Dock Safety offices are functional in the major ports of India to ensure continuous and efficient monitoring of safety and health aspects in them. The implementation of the Act and the Regulations are carried by DGFASLI and penal actions are initiated for violations of the provisions of the Act and the Regulations. The data on the enforcement and accident data in major ports are compiled in the Standard Reference Note of DGFASLI which is available in public domain. The latest information on number of prosecutions filed and accidents, as available with DGFASLI, are enclosed as Annexure-IIA and Annexure-IIB respectively.

(No.G-25015/2/2017-B&A)

(Recommendation No. 9)

The Committee find that a major component of the budget allocation this year i.e. ₹4771.18 crore has been provisioned for Employees' Pension Scheme (EPS 1995). However, the Secretary, Ministry of Labour & Employment, in her deposition before the Committee, stated that the allocation is insufficient as there is an arrear of about ₹ 6942 crore payable to EPFO from the Government side. The Committee apprehend that the calculations made for EPS arrears require a relook since they feel that the calculations must have been done for all the EPF subscribers irrespective of operational and dead accounts. Besides, there is every possibility of cases where no claims would be filed by few subscribers. They, therefore, desire that details of calculations be redone in a realistic fashion and subsequently furnished to the Committee before a recommendation to the Government for release of funds therefore could accordingly be considered by them.

Reply of the Government

The calculation of Government's share of pension contribution under Employees' Pension Scheme, 1995 is being calculated every year on the basis of actual contribution received by Employers in Account No. 10 for all active subscribers in a financial year. There is no role of EPF contribution or subscribers in the same. However, a detailed calculation sheet for example of financial year 2015-16 may be referred at annexure-III. Further, the calculation of cumulative balance of arrear is as under:-

Year	Arrears of Government share in the beginning of the year	Claim from Government during the year	Contribution received	Cumulative balance of arrear
2015-16	3639.97	4042.16	3030.20	4651.93
2016-17	4651.93	4525.81	3525.00	5652.74

(No.G-25015/2/2017-B&A)

(Recommendation No. 10)

As regards ESIC, the Committee note their achievements in the year 2016-17, which include revision of wage ceiling from ₹15000 p.m. to ₹21,000 p.m. w.e.f. 1.1.17 and enhancement in per IP medical expenditure ceiling from ₹2150 to ₹3000 p.a. w.e.f. 1.4.17. The Committee strongly recommend that the Ministry and ESIC should adopt a time-bound programme to ensure coverage of all legally entitled yet uncovered workers under ESIC scheme. The Committee have also noted that a new infrastructure in terms of Hospitals/Dispensaries is being planned to be rolled out in FY 2017-18. While

the Committee await the outcome of these initiatives at action taken stage, they cannot but reiterate that an audit of the existing scenario in ESI hospitals must be carried out to ensure maximum bed occupancy in them. They hope that the system of awarding contracts for constructing ESI hospitals/dispensaries would also be reviewed in order to ensure transparency and accountability.

Reply of the Government

For the Coverage of more employees under the scheme - Survey of the new units/Establishments are conducted by the concerned regions on the basis of the list obtained/provided from/by the different Govt. offices like EPFO, District Industries Office, labour Office etc.

Recently a Scheme to promote Registration of Employers/Employees (SPREE), the one-time drive, was launched for the period from 20.12.2016 to 31.03.2017 to extend the social security benefits to all-eligible under the Act, who had till then been kept out of the ESI coverage.

Looking to the references from Employers and Employers' Association in the matter-said Scheme has been extended up to 30.06.2017 for the coverage of more employees.

In addition to above, a letter either from Hon'ble Minister L&E to all State Labour Ministers or from Secretary, MOL&E to Chief Secretaries of State for issuing Notifications for bringing all Casual/Contract employees and contractors' employees in Govt. Offices including such employees of various projects like NACO, Skill Development Project, State Health Societies under the ambit of ESI Act and declaring the concerned Departmental Officer as Principal Employer for such employees and for appropriate directions to their all subordinate offices to ensure coverage of employees engaged through outsourcing, which are now not covered in almost all cases.

The audit of ESI Hospital is carried out by the Comptroller Auditor General (Central). ESI Corporation also evaluates/monitors performance of ESI Hospitals by conducting inspection through a team consisting of ESIC stakeholders. Recently, ESIC has taken up the issue with Quality Council of India for carrying out assessment of quality services in ESIC hospitals.

Since 2016, capital projects are being awarded to empanelled public sector undertakings on competition basis for Centage / Agency fee, on deposit works basis. This is in accordance in its 166th Meeting held on 07.08.2015 as well as the Rule 126(3) of GFR.

(No.G-25015/2/2017-B&A)

(Recommendation No. 11)

As regards under coverage of workers under EPFO, the Committee urge the Ministry of Labour & Employment and EPFO to bring all legally entitled workers, who still remain uncovered, under the EPF Scheme within a definite time frame. Further, the Committee appreciate that among the other initiatives the EPFO has also formulated a new clause 68 BD under the EPF Scheme, 1952 to make housing available to more EPF subscribers. The Committee would desire to be apprised of the status of the scheme at the action taken stage.

Reply of the Government

The Government has taken a decision for modification in the Employees' Provident Fund (EPF) Scheme, 1952 to add a new paragraph 68BD vide Notification no.S-35012/9/2016-SS-II, Government of India, Ministry of Labour and Employment. Notification has been published in the Gazette of India vide G.S.R 351(E) dated 12.04.2017.

(No.G-25015/2/2017-B&A)

(Recommendation No. 12)

The Committee note that Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) was announced in the Budget Speech of 2016-17 with an allocation of ₹1000 crore which were revised downwards to ₹200 crore at the RE stage, as the contours of the Scheme could be designed and approved in August, 2016 only. The Committee further note that an amount of ₹ 124.95 crore & ₹ 30 crore had been transferred to EPFO on account of PMRPY and Pradhan Mantri Paridhan Rojgar Protsahan Yojana (PMPRPY) respectively on 18th October 2016. However, till 3rd January, 2017 only ₹ 15,67,024 and ₹ 2,30,930 have been reimbursed to the respective employers. The Committee take note that the estimation for reimbursement was done for 1,25,000 employees whereas reimbursement was done only in respect of 1672 and 556 employees for both PMRPY and PMPRPY. The Committee, while acknowledging that the low performance in achieving the targets was due to late start of the Scheme, desire that consolidated efforts must be taken now to accelerate the pace of reimbursements to intended beneficiaries for achieving the targets in the ensuing financial year.

Reply of the Government

Comments have been noted and steps are being taken to accelerate the pace of expenditure. Publicity and awareness of the Scheme is also being undertaken.

(No.G-25015/2/2017-B&A)

(Recommendation No. 13)

The Committee note that the Scheme of PMPRY was initially meant for the additional employment made by the employers. However, later on, the Scheme included all new appointments made after August, 2016. The Committee further note that the Budget Estimates were made assuming that their wages would be ₹15,000 p.m. The Committee observe that ₹ 15,000 p.m wages is the ceiling to be covered under the EPF Scheme, thereafter it is voluntary to subscribe to EPF. The Committee are of the view that all the new appointments may not fall in the category of wages prescribed under the scheme hence they desire that the funds required should be worked out in such a manner so that at the end of FY, the performance of the Ministry appear satisfactory.

Reply of the Government

Comments noted and steps are being taken in this regard.

(No.G-25015/2/2017-B&A)

(Recommendation No. 14)

The Committee note that the due to imposition of model code of conduct in the wake of State Assembly elections, publicity for the Scheme could not commence. Now as the Elections are over, the Committee recommend that the Ministry may give wide publicity to the Scheme for creating awareness of the employers as well as intended beneficiaries.

Reply of the Government

Comments noted and steps are being taken for publicity and awareness campaigns.

(No.G-25015/2/2017-B&A)

(Recommendation No. 15)

The Committee note that the budgetary allocations amounting to ₹ 1000 crore are in accordance with estimated funding requirement for 10 lakh new employments in the first year of operations followed by 5 lakh additional

employment in the subsequent years. The Committee are of the view that the role of the Ministry is confined to transferring the funds to EPFO for making reimbursement to respective employers. As regards generation of employment they have no role to play. The Committee, therefore, desire that the Ministry may coordinate with other Ministries like the Ministry of Textiles where the employment opportunities are generated so as to enable them to meet the physical and financial targets. At the same time, the Committee urge EPFO to utilize all the digital interventions to the fullest to exercise an effective control over its operations.

Reply of the Government

Comments noted. The PMPRY platform is completely online and makes full use of digital technology.

(No.G-25015/2/2017-B&A)

(Recommendation No. 16)

The Committee note that as per Census 2011, there are 1,01,28,663 economically active children in the age group of 5-14 years which include main+marginal+workers who worked for less than 3 months. They further note that out of the identified children only 12 lakh children have been mainstreamed and also there have been possibility of children going back to work after being rehabilitated. While noting the large gap between the identified and rehabilitated child labour, the Committee are pained to note that additions have been witnessed in the number of child labour during the last 6 years after the census of 2011. The Committee also feel that a large gap between the identification and rehabilitation of child labour would ultimately lead to these children getting lost into the vicious circle of being a labourer again. They therefore, desire that the rehabilitation process must be strengthened along with appropriate monitoring mechanism so that the process of rehabilitation be speeded up leaving no scope for the identified children to go back to work. The Committee also feel the need to identify child labour in domestic households and also in the motion pictures/documentaries industry, and rehabilitate them. The Committee desire to be apprised of the measures the Ministry proposes to take in this direction.

Reply of the Government

Child Labour is an outcome of various socio-economic problems such as poverty, economic backwardness and illiteracy etc. Government is following a multi-pronged strategy for elimination of child labour comprising of statutory and legislative measures, rehabilitation and universal elementary education along with convergence with other schemes for socio economic development.

Government has amended the Child Labour (Prohibition & Regulation) Act, 1986 and enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force w.e.f. 1.9.2016. The employment of children or adolescents in contravention of the provisions of the Act is now a cognizable offence. Labour being in the concurrent list, enforcement of the provisions of the Act is the responsibility of both central and state governments in their respective sphere. The Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 provides for conferring power and imposing duties on District Magistrate for effective implementation of the provision of the Act. Further, the Act also provides for periodic inspection and monitoring of the implementation of the Act. Besides, a State Action Plan has been circulated to all State Governments/UTs to provide action points subsequent to the Amendment in the Act.

Government is implementing National Child Labour Project (NCLP) Scheme and this scheme guidelines are in consonance with the recent amendment in the Act. The revised NCLP Guidelines issued in this regard have come into force w.e.f 1.4.2016. As per the revised Guidelines, children rescued/withdrawn from work in the age group of 5-8 years are directly linked to the formal educational system through a close coordination with the SarvaShikshaAbhiyan (SSA). Children rescued/withdrawn from work in the age group of 9-14 years are enrolled in the NCLP Special Training Centres, where they are provided with bridge education, vocational training, mid day meal, stipend, health care, etc. before being mainstreamed into formal education system. The adolescent (14-18 years) engaged in hazardous occupation or process is identified through survey and they are facilitated by District Project Society for skill training in legally permissible domain.

NCLP Guidelines emphasizes that priority to these children in admission to residential schools such as those under the Kasturba Gandhi Balika Vidyalaya scheme, ashram pathshalas, hostels, etc. would help in retention of these children in the mainstream schools. The district administration / State Government is therefore required to oversee this crucial support to children rescued from work and admitted to NCLP Special Training Centres.

Further, Child Labour Monitoring, Tracking and Reporting System (CLMTRS) is under implementation by the Ministry. The information would be entered in the Child Labour Monitoring, Tracking and Reporting System (CLMTRS) by the Project Society. The tracking of beneficiary child will be for one year after mainstreaming in the case of child labour and withdrawal of adolescent worker from hazardous occupations and processes. The District Project Society through its volunteers would maintain record of mainstreaming data and update it for next one year since mainstreaming. The updation of

tracking data is to be done after 3 months, 6 months and after one year since mainstreaming. This will help in better rehabilitation of beneficiaries.

Further, as far as Monitoring is concerned, monitoring at Central level, State level and district level has been strengthened as per revised NCLP Guidelines which envisage National Project Monitoring Cell (NPMC) at Central level, State level Monitoring Committee at the State level and Vigilance and Monitoring Committee at District level.

The Main starting point of the Child Labour Project is the survey as per NCLP Guidelines. All district administration(s) have been informed to assess the presence of child labour and if there is high incidence of child labour, NCLP Society may be constituted and baseline-survey may be done for which Ministry releases Rs. 4 lakhs on the recommendation of State Government.

(No.G-25015/2/2017-B&A)

(Recommendation No. 17)

The Committee note that as of now the NCLP Scheme is implemented in 270 districts across 21 States where the incidences of child and adolescent labour is high. They further note that expansion of this scheme has been made to all other districts and accordingly district administration and State Governments/UT Administrations have been requested to assess the presence of child and adolescent labour. The Committee further find that for carrying out survey, a fund of ₹ 4 lakh is given to the District Administration with the recommendation of the State/UT Administration to the Ministry. However, so far only 4 such requests from new districts have been received for release of survey fund. The Committee opine that getting requests only from 4 new districts could be due to communication gap with the District Administration or other factors like shortage of man-power etc. They therefore, desire that under the NCLP, a strategy be worked out to give further boost to the demand for releasing the survey fund followed by strict monitoring of the funds released and results achieved so that the entire child labour in all concerned districts could be rehabilitated.

Reply of the Government

At present the NCLP Scheme is sanctioned in 280 Districts of 21 States in the country. Efforts are being made for expansion of the NCLP Scheme to other districts which are not covered under NCLP. The procedure for release of survey fund both for new as well as already sanctioned NCLP Society has been simplified. In this regard, several communications have been made to State/District Administration for assessing the presence of child labour in new districts and sending request to Ministry for release of survey fund if incidence

of child labour is observed. This is being done time to time and again to remind State/District Administration(s)/NCLP Society Staff. Ministry considers the request on Priority for approval for release of fund and the same is communicated to District Administration. In last two financial years i.e. during 2015-16 and 2016-17, funds for conducting fresh survey has been given to about 104 District Project societies. So far, 8 requests from new districts have been received in the Ministry for release of survey fund.

(No.G-25015/2/2017-B&A)

CHAPTER-III

OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

NIL

CHAPTER-IV

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE
GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH
REQUIRE REITERATION**

NIL

CHAPTER-V

OBSERVATION/RECOMMENDATION IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE

(Recommendation No. 7)

The Committee note that against the proposed allocation of ₹ 8351.69 crore, the Ministry have been allocated ₹ 7188.38 crore including a provision of ₹ 1000 crore for Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) and ₹ 4771.18 crore for EPS, 1995, implying that only ₹ 1417.20 crore have been allocated to MoLE for other heads like Industrial Relations, Working condition and Safety, particularly Mines Safety and accident analysis etc. The Committee are particularly concerned to note the allocation of ₹ 27 crore made for Directorate General Mines Safety (DGMS) specially keeping in view its mandate as well as the recent incidents of mine accidents. The Committee expect that the funds allocated for DGMS be utilized for the measures enumerated by the Ministry and also urge the Ministry to strive for a robust performance so that more funds could be sought at the RE stage, if required.

Reply of the Government

Measures proposed by Directorate General of Mines Safety in 2017-18 for accelerating safety in mines and optimum utilization of the allocation of Rs. 27 crores are given below:

1. Conducting (Blitz) impact inspections by officers of DGMS to assess prevailing system in mines and suggest remedial measures to prevent disasters and accidents due to explosion, inundation and ground movement which are major causes of accidents in mines.
2. Facilitating and training for implementation of Safety Management Plans in mines.
3. Analysis of current accident reports and issue of alerts and circulars to mining industry to prevent recurrence of accidents.
4. Occupational Health Survey of persons employed in unorganized sector in different states.
5. Provide continual support to the mining industry by setting appropriate standards, protocols & guidelines by conducting scientific studies and R&D projects on various subjects in key problem areas of mining.

6. Interact with top leadership to bring their commitment to OSH matter by
 - a. Conducting interactive sessions on importance and course of action for development and implementation of safety management plan
 - b. Documenting commitment from top authorities on safety management plan
7. Organize interactive sessions with unions for sensitization on principles of self-regulation in each zone / regions.
8. Development of Structured Inspection and Audit Guidelines for mines.
9. Updation of emergency preparedness and response system guidelines.
10. Modernizing Mine Accidents and Mine Information Database by computerization and digitization.
11. Organizing National Conference on Safety in Mines for appropriate recommendation for the cause of safety in mines.
12. Digitization of working mine plans and abandoned mine plans.
13. Organizing program for safety awareness in small unorganized mines with the help of state governments.

(No.G-25015/2/2017-B&A)

**New Delhi;
23rd August, 2017
1st Bhardrapada, 1937 (Saka)**

**(DR. KIRIT SOMAIYA)
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR**

STANDING COMMITTEE ON LABOUR

(2016-17)

Minutes of the Twenty-Sixth Sitting of the Committee

The Committee sat on Wednesday, the 23rd August, 2017 from 1400 hrs. to 1530 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Dr. Kirit Somaiya - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar
3. Shri Ashok Dohare
4. Shri Devajibhai Govindbhai Fatepara
5. Shri Satish Kumar Gautam
6. Dr. Boora Narasiah Goud
7. Shri C.N. Jayadevan
8. Dr. Arun Kumar
9. Shri Kaushalendra Kumar
10. Shri R. Parthipan
11. Shri Naba Kumar Sarania
12. Shri Dayakar Pasunoori

RAJYA SABHA

13. Shri P.L. Punia
14. Shri Amar Shankar Sable
15. Shri Tapan Kumar Sen
16. Shri Ravi Prakash Verma
17. Shri N. Gokulakrishnan

SECRETARIAT

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri K.C. Pandey - Deputy Secretary
3. Smt Archana Srivastva - Under Secretary

PART-I

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened for consideration and adoption of Draft Action Taken Report on 'Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty Third Report (16th Lok Sabha) on 'Demands for Grants (2017-18)' of the Ministry of Labour and Employment'. Giving an overview of the Recommendations made 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 Action Taken Report on 'Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty Third Report (16th Lok Sabha) on 'Demands for Grants (2017-18)' of the Ministry of Labour and Employment' for consideration and adopted the same with minor additions/modifications.

4. The Committee then authorized the Chairperson to present the Report to both the Houses.

PART-II

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The witnesses then withdrew.

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

The Committee then adjourned.

XX Does not pertain to this Report.

(Vide Para No. 3 of the Introduction)**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON RECOMMENDATIONS CONTAINED IN THE TWENTY-THIRD REPORT OF THE STANDING COMMITTEE ON LABOUR (SIXTEENTH LOK SABHA)**

	Total	Percentage
I. Total number of Recommendations	17	
II. Observations/Recommendations which have been accepted by Government (Recommendation Para. Nos. 1, 2, 3, 4, 5,6,8,9,10, 11,12,13,14,15,16 and 17.	15	94.12
III. Observations/Recommendations which the Committee do not desire to pursue in view of Government's replies - Nil	00	00%
IV. Observations/Recommendations in respect of which Government's replies have not been accepted by the Committee and which requires reiteration - Nil	00	00%
V. Observations/Recommendations in respect of which replies of Government are of interim in nature- Recommendation Para No. 7	01	5.88%
		----- 100% -----