

10

STANDING COMMITTEE ON LABOUR

(2020-21)

(SEVENTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**[Action taken by Government on the Observations/
Recommendations of the Committee contained in their First Report
(Seventeenth Lok Sabha) on Demands for Grants (2019-20) of the
Ministry of Labour & Employment]**

TENTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

February, 2021/ Magha, 1942 (Saka)

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STANDING COMMITTEE ON LABOUR

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(SEVENTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**[Action taken by Government on the Observations/
Recommendations of the Committee contained in their First Report
(Seventeenth Lok Sabha) on Demands for Grants (2019-20) of the
Ministry of Labour & Employment]**

Presented to Lok Sabha on 03.02.2021

Laid in Rajya Sabha on 03.02.2021



LOK SABHA SECRETARIAT

NEW DELHI

February, 2021/ Magha, 1942 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2019-20)

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri John Barla
4. Shri Raju Bista
5. Shri Pallab Lochan Das
6. Shri Pasunoori Dayakar
7. Shri Feroze Varun Gandhi
8. Shri Satish Kumar Gautam
9. Shri B.N. Bache Gowda
10. Dr. Umesh G. Jadhav
11. Shri Dharmendra Kumar Kashyap
12. Dr. Virendra Kumar
13. Adv. Dean Kuriakose
14. Shri Sanjay Sadashivrao Mandlik
15. Shri K. Navaskani
16. Shri Khalilur Rahaman
17. Shri D. Ravikumar
18. Shri Nayab Singh Saini
19. Shri Ganesh Singh
20. Shri Bhola Singh
21. Shri K. Subbarayan

RAJYA SABHA

22. Shri Oscar Fernandes
23. Shri Elamaram Kareem
24. Dr. Raghunath Mohapatra
25. Dr. Banda Prakash
26. Shri Rajaram
27. Ms. Dola Sen
28. Shri M. Shanmugam
29. Shri Dushyant Gautam
30. Shri Vivek Thakur
31. Shri Neeraj Dangi

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri P.C. Choulde - Director
3. Shri D.R. Mohanty - Additional Director
4. Ms. Miranda Ingudam - Deputy Secretary
5. Shri Gaurav Attray - Assistant Executive Officer

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2020-21)**

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri John Barla
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13. Adv. Dean Kuriakose
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16. Shri D. Ravikumar
17. Shri Nayab Singh Saini
18. Shri Naba Kumar Sarania
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5. Shri Gaurav Attray - Assistant Executive Officer

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2020-21) having been authorized by the Committee, present on their behalf this Tenth Report on Action taken by the Government on the Observations/ Recommendations of the Committee contained in their First Report (Seventeenth Lok Sabha) on Demands for Grants (2019-20) of the Ministry of Labour & Employment.

2. The First Report was presented to Lok Sabha and laid in Rajya Sabha on 29th November, 2019. The Ministry of Labour and Employment furnished their replies on 11th March, 2020 indicating Action Taken on the Observations/Recommendations contained in the First Report. The Committee (2019-20) considered and adopted the draft Report at their Sitting held on 29th July, 2020. However, the Report could not be presented to the House as the term of the Committee ended on 12th September, 2020, before the commencement of the Monsoon Session of Parliament, 2020 and the notification relating to re-constitution of the Committee for the year 2020-21 was issued on 29th September, 2020. The Committee (2020-21) considered and re-adopted the draft Report without any modification at their sitting held on 21st October, 2020.

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

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

New Delhi;
2 February, 2021
13 Magha, 1942 (Saka)

BHARTRUHARI MAHTAB
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR

CHAPTER- I REPORT

This Report deals with the action taken by the Government on the Observations/Recommendations of the Committee contained in their First Report (Seventeenth Lok Sabha) on 'Demands for Grants (2019-20) of the Ministry of Labour & Employment.

2. The First Report was presented to Lok Sabha/ laid in Rajya Sabha on 29th November, 2019. It contained 11 Observations/ Recommendations. Replies of Government in respect of all the recommendations have been received and are categorized as under:-

- | | |
|---|--------------------------------------|
| (i) Recommendations/Observations which have been accepted by the Government – Rec. Para No.1,2, 3,4,7,8 , 9 and 11 | Total:08
Percentage:72.73 |
| (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply – NIL | Total:00
Percentage:00 |
| (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – Rec. Para No. 5 | Total:01
Percentage:9.09 |
| (iv) Recommendations/Observations in respect of which replies of the Government are interim in nature – Rec. Para Nos. 6 and 10. | Total:02
Percentage:18.18 |

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

I. Pradhan Mantri Shram Yogi Maan Dhan Yojana (PMSYMDY)

(Recommendation Para No.1)

4. In their earlier Report, the Committee had appreciated that the Government had introduced a pension scheme, namely, the PM-SYM for ensuring old age protection for unorganised workers. As on 31st March, 2019, around 27 lakh beneficiaries had subscribed to the Scheme. The Committee opined that introduction of the pension scheme was a step in right direction for providing social security to the hitherto neglected unorganised workforce and if properly implemented, this scheme would go a long way in providing social security to this vulnerable labour force of the Country.

The Committee were, however, concerned to note that, there was no authentic/credible data on the number of workers in the unorganised sector in the Country. In the absence of this vital data on the number of unorganised workers, who had been engaged in varied occupations, the Committee apprehended that a major portion of the unorganised workforce might be left out of the pension scheme. The Committee, had therefore, recommended that the Ministry should undertake appropriate measures for garnering and building a National Data Base of the number of unorganised workers engaged in different occupational trades which would help in giving credence and a filip to the pension scheme.

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

“The Ministry is working for development of a National Database for Unorganised Workers (NDUW), seeded with Aadhar. This data base will be shared in future for delivering social security schemes of the Government of India and the State Governments of India.

The number of workers enrolled and benefited under Pradhan Mantri Shram Yogi Maan-Dhan Yojana is 41.23 lakh as on 15th February, 2020”.

6. The Committee take cognizance of the Government’s efforts to provide social security to the unorganised Workforce of the Country under the aegis of the Pradhan Mantri Shram Yogi Maan Dhan Yojana (PMSYMDY) which seeks to provide old age pension to the unorganised sector. As a result of such

appreciable and sustained endeavours, the number of workers enrolled under Pradhan Mantri Shram Yogi Maan Dhan Yojana (PMSYMDY) has increased from 27 lakh beneficiaries as on 31.03.2019 to 41.23 lakh beneficiaries as on 15.02.2020. The Committee are of the considered view that the steps taken by the Ministry are in right direction and should be persisted with so as to provide old age pension and financial protection to more and more workers belonging to the unorganised sector.

7. The Committee are pleased to observe that pursuant to their recommendation the Ministry are making efforts for the development of a NDUW seeded with Aadhar which will be shared for delivering Social Security Schemes of the Governments of India as well as the State Governments. As the creation of such a credible national data base will go a long way in assuring social security benefits to all the workers in the unorganised sector, the Committee impress upon the Ministry to accelerate the development of NDUW in coordination with the State Governments. Being aware about the utter chaos and confusion during the nationwide lockdown arising out of the COVID-19 Pandemic despite the best efforts of the Central Government and the State Governments to relocate and rehabilitate the inter-State migrant workers, the Committee desire that a national data base of the inter-State migrant workers be also developed separately so as to ensure provision of timely succour to them during distress and emergent situations.

II. POLICY PERSPECTIVE AND REPOSE ON CURRENT AND EMERGING ISSUES

(Recommendations Para No.2)

8. In their First Report, the Committee had noted that economic growth, technological advancement, closing gender gap, increased pace of urbanisation, and

emphasis on environmental rights were all factors playing together in building the country's emerging role as a major world power. The Committee had also noted that while these developments in the society bring forth new opportunities, the transitory period could be very unsettling, with the social contract witnessing failure and thereby leading to increasing discontent and even anguish in the workforce. Advancement in technology was likely to have the effect of making many jobs obsolete, which could be a matter of worry for the workers. As a means of addressing these current as well as emerging issues, the Committee had felt that it might be essential to build an Indian social contract for the 21st Century by guaranteeing minimum income for all providing for 're-training' to the workforce to meet the changing requirements and retaining job incentives. Added issues of importance that needed to be addressed pertain *inter-alia* to the growing pool of female talent and requirement of increased investment in child care, as well as care for the old and infirm. Also, despite the fact that literacy and education level of women has been increasing, the 'social contract' in the country continues to rely heavily on unpaid female labour. Taking all the above factors into account, the Committee had recommended that appropriate steps needed to be taken to address the prevailing and emerging issues pertaining to the labour force. The Committee specifically desired that the socio-economic survey contemplated to gauge the socio-economic conditions of various labour forces belonging to SCs/STs, female workers, etc. should also include labour belonging to the OBC category.

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

“ Ministry of Labour and Employment is endeavoring to promote labour welfare through universalization of minimum wage, phased universalization of social security with safe and decent working conditions and ease of living to workers.

2. As per the recommendations of the 2nd National Commission on Labour, Ministry of Labour & Employment has taken steps for codification of existing (29) Central Labour Laws into Four (4) Codes on Wages, Occupational Safety & Health Industrial Relations and Social Security by simplifying, amalgamating and rationalizing the relevant provisions of the existing laws in sync with the changing economic and industrial scenario, technological advancement and need for wage security, social security and better working conditions for our workers. The specific provisions of Labour codes and their impact on workers are highlighted as under:-

- i) Wage code ensures that minimum wages and timely payment of wages are extended to all workers instead of workers only in scheduled employment.
- ii) Central Government will fix Floor Wages by Notification based on the minimum living conditions. No State will be able to fix minimum wages below the notified floor wage.
- iii) The Occupational Safety, health & Working Conditions Code is applicable to all establishments employing 10 or more workers except mine and dock where it is applicable on even one worker. It enhances the coverage of the safety and health provisions manifold as the establishments in service sector and other establishments would now be regulated by the safety, health and working conditions provisions of the Code.
- iv) Provision has been made for issue of appointment letter to every employee covered by OSH code which would promote formalisation of workplace.
- v) Provision has also been made in the OSH code for the employers to provide free of cost health check-up for employees above prescribed age for prescribed tests. This would contribute to increase in productivity through better disease detection and prevention and also promote inclusion.
- vi) The definition of family has been extended to include dependent grand-parents of the worker in view of increase in life expectancy. Thus, grand-parents who are part of the family will also get welfare benefits including compensation in case of death of the worker.
- vii) Women are proposed to be permitted to work during night (beyond 7 P.M. and before 6.00 AM) subject to safety, holidays, working hours or any other condition as prescribed by appropriate government and subject also to taking consent from the woman worker. This will promote gender equality and greater participation of women in the work force. At present, women are prohibited from working during night in mines, factories, plantation, beedi and cigar.
- viii) A part of the penalty (maximum 50 per cent) imposed on death or serious bodily injury to a may be given to the victim or the legal heirs of the victim by the Court. The part payment of penalty would help in rehabilitation of injured worker and would provide financial support to the family of the deceased.
- ix) Under the IR code, a “Re-skilling Fund” for training of retrenched employees has been proposed from the contribution to be made by an industrial establishment for an amount equal to 15 days’ wages or such other days as may be notified by the Central Government, to this fund for every worker

retrenched. The retrenched employee would be paid 15 days wages from the Fund within 45 days from the date of retrenchment.

x) Under the Social Security code, the coverage of Employees State Insurance Corporation (ESIC) has been extended pan-India to all establishments employing 10 or more employees as against notified districts/areas only. The benefits available under ESIC include medical, sickness, maternity, pension for dependents and for disablement, etc.

xi) The Social Security Code also envisages extension of ESIC benefits to the employees working in establishments with less than 10 employees on voluntary basis and on mandatory basis through notification by the Central Government for employees working in hazardous industries.

xii) ESIC coverage can also be extended to plantations on option exercised by the employer.

xiii) For the persons engaged in Fixed Term Employment (FTE), the proportionate benefit of service has been extended for gratuity without requirement of minimum service of 5 years. A person having a contract for one year under FTE will also be eligible for 15 days wages' as gratuity.

xiv) The benefit of Employees Compensation Act will now be available to also those employees who meet with accidents while travelling between residence and place of work.

3. It is further intimated that government has taken several initiatives to improve women's participation in the labour force. In order to encourage employment of women, a number of protective provisions have been incorporated in various labour laws for creating congenial work environment for women workers. These includes child care centers, time-off for feeding children, enhancement in paid maternity leave from 12 weeks to 26 weeks, provisions for mandatory crèche facility in the establishments having 50 or more employees, permitting women workers in the night shifts with adequate safety measures, etc. The Equal Remuneration Act, 1976 provides for payment of equal remuneration to men and women workers for same work or work of similar nature without any discrimination. Under the provisions of the Minimum Wages Act, 1948, the wages fixed by the appropriate Government are equally applicable to both male and female workers without any gender discrimination. Further, in order to enhance the employability of female workers, the Government is providing training to them through a network of Women Industrial Training institutes, National Vocational Training Institutes and Regional Vocational Training Institutes.

4. Ministry of Labour and Employment is implementing National Career Service (NCS) Project as a Mission Mode Project for transformation of the National Employment Service. A variety of employment related services like Job Search, Job Matching, Career Counselling, Vocational Guidance, Information on Skill Development Courses etc. are being provided under the NCS Project on a common platform with efficient use of information technology. A specific window for women job seekers has been created for their job opportunities in the labour market.

5. PradhanMantriRojgarPratsahanYojana (PMRPY) has been launched by the Ministry of Labour and Employment for incentivising employers for promoting employment generation. Under this scheme, Government is paying entire employer's contribution (12% or as admissible) towards EPF and EPS for all eligible new employees for all sectors for 3 years. The terminal date for registration of beneficiary through the employer under PMRPY was 31.03.2019. As on 24th February 2020, 26,01,827 women beneficiaries have benefitted under PMRPY.

6. Labour Bureau conducts Socio-Economic surveys belonging to SC/ST workers under Socio-Economic Surveys of Different Segments of Labour (SESDSL) component' In the forthcoming surveys as per desire of the committee, Labour Bureau will include workers belonging to OBC category under SESDSL component after approval of competent authority.”

10. The Committee appreciate to note that the Ministry are endeavouring to promote labour welfare through universalisation of Social Security with Safe and Decent Working Conditions and ease of living to workers. Several steps taken by the Ministry in that direction include *inter-alia* codification of existing Central Labour Laws into four Labour Codes in an attempt to bring them in sync with the changing economic and industrial scenario, technological advancement, need for wage security, Social Security and better working conditions for workers etc. While taking into account the steps taken by the Ministry as elaborately highlighted in their Action Taken Notes, the Committee, however, desire that the Ministry should periodically review their initiatives in the light and circumstances of the Covid-19 Pandemic having direct and indirect impacts on both the organised and unorganised workforce of the Country. Such review should have specific focus on relentlessly promoting ‘Safe and Decent Work

Conditions’ and ‘Ease of Living’ for the workers so as to guarantee safety, health and occupational dignity of labour. The Committee impress upon the Ministry to prepare a concrete Road Map in consultation with all the stakeholders involved so as to effectively and seamlessly implement various initiatives in a progressive manner.

III. REHABILITATION OF BONDED LABOUR (RoBL)

(Recommendation Para No.5)

11. In their earlier Report, the Committee were concerned to note that the scourge of bonded labour still existed in our Country, though this inhuman practice was abolished in the year 1976 by the Bonded Labour System (Abolition) Act. The Committee were also concerned to note that there was inaccuracy and incorrectness in the data on physical achievements under the Scheme. Instead of furnishing the reasons for the incorrectness of the data and clarifying the position thereon, the Ministry had merely submitted that issues pertaining to identification and rehabilitation of bonded labour was a subject matter pertaining to the State Governments. Taking note of the fact that the bonded labour rehabilitation scheme was revamped *w.e.f.* 17.05.2016 and named as Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 under which a bonded labour rehabilitation fund needs to be created at the district level by each State with a permanent corpus of at least Rs.10 lakh, the Committee had expressed their dissatisfaction over the Ministry’s inability to furnish any information on the status of creation of the Corpus fund in all the States/UTs, conviction rate of the accused on account of engaging bonded labour, and pending cases in Courts. The Committee had therefore, recommended that the Ministry should take cogent measures to establish a Corpus Fund in all the States/UTs etc., at the District level, strictly implement the penal provisions of the Act and deal with violators with an iron hand. The Committee had also desired that the Ministry should exercise adequate caution so as to avoid inaccuracies while furnishing important information to the Committee.”
12. In their Action Taken Note furnished to the Committee, the Ministry of Labour and Employment have stated as follows:-

“The Government of India has implemented a Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016. As per para 5 (Xiii) of the Scheme, a Bonded Labour Rehabilitation Fund shall be created at the District level by

each State with a permanent corpus of at least Rs.10.00 lakh at the disposal of the District Magistrate which should be renewable. This fund will be utilized for extending immediate help to the released bonded labourers. The responsibility for creation of Corpus Fund is completely lies with the State Governments. However, this Ministry has issued instructions to the State Governments/ UTs from time to time to ensure creation of Corpus Fund in all Districts in terms of the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016.”

13. The Committee are dissatisfied to note the reply of the Ministry which gives an impression that the Ministry’s role has been confined to merely passing instructions from time to time without making real time assessment of the progress in creation and utilisation of the Corpus Fund at the District Level. In fact in their earlier Reports *i.e* DFG (2019-20) and DFG (2020-21), the Committee had expressed the need on the part of the Ministry to evolve more robust and effective mechanism to identify, resolve and rehabilitate bonded labour with the overall objective of totally eliminating this social evil. The Committee had also desired that special Fast Track Courts be set up for speedier trial and conviction of the violators found guilty. As no concrete measures have apparently been taken in this regard, the Committee once again exhort the Ministry to strengthen their monitoring and coordination mechanism so that all the States /UTs create and transmit real time data on bonded labour cases/conviction rates for effective mid-term correction/ reassessment thereof.

**New Delhi;
2 February, 2021
13 Magha, 1942 (Saka)**

**BHARTRUHARI MAHTAB
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR**

STANDING COMMITTEE ON LABOUR

(2020-21)

Minutes of the Second Sitting of the Committee

The Committee sat on Wednesday, the 21st October, 2020 from 1100 hrs. to 1311 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Satish Kumar Gautam
4. Dr. Umesh G. Jadhav
5. Dr. Virendra Kumar
6. Adv. Dean Kuriakose
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10. Shri M. Shanmugam
11. Shri Dushyant Gautam

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri D.R. Mohanty - Additional Director
4. Ms. Miranda Ingudam - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the Sitting of the Committee, convened to re-consider and re-adopt the following Action Taken Reports:

(i) Action Taken on First Report on Demands for Grants (2019-20) of the Ministry of Labour & Employment;

(ii) XX XX XX XX

(iii) XX XX XX XX

3. Giving an overview of the important Observations/ Recommendations contained in the draft Action Taken Reports, the Chairperson observed that the above mentioned Reports were earlier adopted at the Sitting held on 29.07.2020 by the predecessor Committee (2019-20). However, the Reports could not be presented to the House as the term of the Committee ended before the commencement of Monsoon Session 2020. The Committee then took up the draft ATRs for consideration one by one and re-adopted them without any modifications.

4. The Committee, then, authorised the Chairperson to finalise the Reports and present them to the House in the upcoming session.

5. XX XX XX XX

(The witnesses then withdrew)

[A copy of the audio-recorded 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 OBSERVATIONS/
RECOMMENDATIONS CONTAINED IN THEIR FIRST REPORT OF THE STANDING
COMMITTEE ON LABOUR (SEVENTEENTH LOK SABHA)**

	Total	Percentage
I. Total number of Recommendations	11	
II. Recommendations/Observations which have been accepted by Government (Rec. Sl. Nos. 1,2,3,4,7,8, 9 and 11)	08	72.73%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies- NIL	00	00%
IV Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee and which requires reiteration – (Rec. Sl. No. 5)	01	9.09%
V Recommendations/Observations in respect of which final replies of Government are of interim in nature- (Rec. Sl.No.6 and 10)	02	18.18
		100%