

22

STANDING COMMITTEE ON LABOUR

(2020-21)

SEVENTEENTH LOK SABHA

MINISTRY OF LABOUR & EMPLOYMENT

[Action taken by Government on the Observations/ Recommendations of the Committee contained in their Forty Fifth Report (Sixteenth Lok Sabha) on 'Scheduled/ Non-Scheduled/Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies – Airport Operators – Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying of the Aircraft in Civil Aviation Sector]

TWENTY SECOND REPORT



LOK SABHA SECRETARIAT

NEW DELHI

July, 2021/Ashadha, 1943 (Saka)

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Presented to Lok Sabha on 22.07.2021

Laid in Rajya Sabha on 23.07.2021



LOK SABHA SECRETARIAT

NEW DELHI

July, 2021 /Ashadha, 1943 (Saka)

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

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

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

RAJYA SABHA

22. Shri Dushyant Gautam
23. Shri Neeraj Dangi
24. Shri Oscar Fernandes
25. Shri Elamaram Kareem
26. ^ Shri Mahesh Jethmalani
27. Dr. Banda Prakash
28. * Shri Naresh Bansal
29. Ms. Dola Sen
30. Shri M. Shanmugam
31. Shri Vivek Thakur

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri D.R. Mohanty - Director
3. Ms. Miranda Ingudam - Deputy Secretary

@ Vacancy occurred *vice* Shri P.K. Kunhalikutty resigned *w.e.f* 3rd February, 2021.

Shri John Barla ceased to be Member of the Committee *w.e.f* 07.07.2021 *vice* he was appointed as Union Minister.

\$ Dr. Virendra Kumar ceased to be Member of the Committee *w.e.f* 07.07.2021 *vice* he was appointed as Union Minister.

^ Nominated *w.e.f* 11th June, 2021 *vice* Dr. Raghunath Mohapatra expired.

* Nominated *w.e.f*. 23rd December, 2020 *vice* Shri Rajaram retired.

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2020-21) having been authorized by the Committee do present on their behalf this Twenty Second Report on 'Action taken by Government on the Observations/ Recommendations of the Committee contained in their Forty Fifth Report (Sixteenth Lok Sabha) on 'Scheduled/Non-Scheduled/Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies – Airport Operators – Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying of the Aircraft in Civil Aviation Sector relating to the Ministry of Labour and Employment.

2. The Forty-Fifth Report was presented to Lok Sabha and also laid in Rajya Sabha on 28th December, 2018. The Ministry of Labour & Employment furnished their replies on 24th December, 2020 indicating action taken on the recommendations contained in that Report. The Committee at their sitting held on 8th July, 2021 considered and adopted the Draft Report.

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

4. For the facility of reference and convenience Recommendations/ Observations of the Committee have been printed in thick type in the body of the Report.

New Delhi;
20th July, 2021
29 Ashadha, 1943 (Saka)

BHARTRUHARI MAHTAB
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR

CHAPTER-I

REPORT

This Report deals with action taken by Government on the Observations/Recommendations of the Committee contained in their Forty Fifth Report (Sixteenth Lok Sabha) on 'Scheduled/Non-Scheduled/Test Flying Air Operators/Maintenance Repair and Overhaul (MRO) Companies – Airport Operators – Safety and Social Security Measures for their Workers/Employees especially in context of those who are associated with flying of the Aircraft in Civil Aviation Sector relating to the Ministry of Labour and Employment.

2. The Forty Fifth Report (Sixteenth Lok Sabha) was presented to Lok Sabha/laid in Rajya Sabha on 28.12.2018. It contained 09 Observations/Recommendations. Replies to 07 Observations/Recommendations have been furnished by the Government and are categorized as under. Replies to the 02 Observations/Recommendations as contained in paragraph nos. 54 and 65 which have not been furnished by the Government despite a number of reminders, have been categorised under Chapter V as follows:

- | | |
|---|--|
| (i) Recommendations/Observations which have been accepted by the Government – Rec. Nos.- 31, 32, 33, 55 and 64 | Total:05
Percentage: 55.55% |
| (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply - NIL. | Total:00
Percentage:0% |
| (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – Rec. No.- 61. | Total:01
Percentage:11.11% |
| (iv) Recommendations/Observations in respect of which replies of the Government are interim in nature – Rec. No.- 53, 54 and 65. | Total:03
Percentage:33.33% |

3. The Committee desire that Action Taken Notes in respect of Observations/Recommendations contained in Chapter I and Final Action Taken Replies in respect of the Recommendations contained in Chapter V of this Report for which interim replies/no reply have been given by the Government, may be furnished to them at the earliest.

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

**I - Foolproof Regulatory Mechanism
(Recommendation Para No. – 31)**

5. In their 45 Report (16th Lok Sabha), the Committee had noted that an aircraft, on flight test, crashed in the densely populated area of Mumbai killing four persons on board and another person on the ground while injuring others. The Committee expressed concern over the loss of lives and desired to know about the norms and safety guidelines for social security of the labour and also for their safety being followed by concerned agencies in the Country. The Committee observed that the number of incidents/accidents of non-scheduled private/chartered aircrafts/helicopters were increasing day by day due to increasing air traffic/air passengers and the use of non-scheduled private aircrafts/helicopters for which regulatory mechanism for such private non-scheduled aircrafts/helicopters needed to be put in place. Increasing number of accidents resulting into death of passengers, employees, labours etc. and also common citizens on the ground, demanded review of safety network system for them. Observing lack of proper safety network and lacuna in the regulatory mechanism for non-scheduled private air carriers, the Committee recommended that the Civil Aviation Ministry, DGCA and Labour Ministry must review the provisions/guidelines and its execution and put in place a foolproof regulatory mechanism to stop recurrence of Ghatkopar like air crash and ensure social security and safety norms for the employees for operation of such non-schedule private/chartered aircrafts/helicopters.

6. In their Action Taken Note furnished, the Ministry of Civil Aviation have stated as follows:-

“It is submitted that in spite of the current growth experienced in the aviation sector in India there is a decreasing trend in accident/incident rates.

The accident rate per million departures for the year 2017 and 2018 is 1.0 and 0.9 respectively.

The Ghatkopar accident is under investigation by AAIB to ascertain the circumstances leading to the accident. Bases on the findings and recommendations of the investigation, any action as warranted will be taken.

As detailed above, it is reiterated that all aspects of safety are covered in the regulations.”

7. The Committee appreciate that in compliance with their recommendation, the Ghatkopar accident is under investigation by AAIB and the Ministry have assured that based on the findings of the investigation, any action as warranted would be taken. While taking note of the Ministry’s assurance, the Committee urge that safety issues be given utmost priority at all times in line with international norms/standards.

II - Minimum Wages and Working Conditions (Recommendation Para No. – 55)

8. In their earlier Report, the Committee had observed that as per the extant rules only those employees whose salary was less than Rs. 15,000 were entitled for benefits under the EPF Scheme. As the salary of engineers, crew members, ground staff etc. was higher than Rs. 15,000 and as such most of the workers/employees were left outside the purview of the Scheme, the Committee recommended that the Ministry of Labour and Employment and EPFO should take appropriate steps to consider increasing the extant limit of Rs. 15,000 to bring more and more workers and employees in its ambit.

9. The Ministry of Labour and Employment, in their Action Taken Note furnished to the Committee, have stated as under:-

“As per Paragraph 2(f) of the Employees’ Provident Fund (EPF) Schemes, 1952, the employer is liable to extend membership of EPF Scheme 1952 if monthly pay of the employee on joining is up to Rs. 15,000/ or if the employee is already a member even if pay is above Rs. 15,000/-.

At the time of inception of the Scheme, an employee who was in receipt of pay up to Rs. 300/- per month was eligible for membership of the Scheme. Chronological order of the change of wage ceiling for enrolment as member under the Scheme is given below:

CHRONOLOGICAL ORDER OF THE CHANGE OF WAGE CEILING [PARA 2(f) of EPF SCHEME, 1952	
<i>Period</i>	<i>Wage limit per month (in Rs.)</i>
<i>01.11.1952 to 31.05.1957</i>	<i>300</i>
<i>01.06.1957 to 30.12.1962</i>	<i>500</i>
<i>31.12.1962 to 10.12.1976</i>	<i>1000</i>
<i>11.12.1976 to 31.08.1985</i>	<i>1600</i>
<i>01.09.1985 to 31.10.1990</i>	<i>2500</i>
<i>01.11.1990 to 30.09.1994</i>	<i>3500</i>
<i>01.10.1994 to 31.05.2001</i>	<i>5000</i>
<i>01.06.2001 to 31.08.2014</i>	<i>6500</i>
<i>01.09.2014 onward</i>	<i>15000</i>

It may be seen from the above Table that the wage ceiling for coverage under EPF Scheme has enhanced from time to time. The recommendation made by the Hon'ble Committee is noted for compliance."

10. The Committee are happy to note that the Ministry are inclined to increase the present wage limit of Rs. 15,000/- for availing benefits of Provident Fund so as to bring more and more workers and employees within the ambit of EPF. The Committee hope that with the ushering of labour reforms through the Social Security Code, the aspirations of the labour force particularly in the unorganized sector, for being covered under the EPF Scheme would be met in letter and spirit.

III – Time Limit for Completion of Inquiry

(Recommendation Para No. – 61)

11. Observing ambiguity in time limit fixed for completing the inquiry and submitting the report in a time bound manner to expedite payment of compensation to the victims, the Committee in their earlier Report strongly recommended that guidelines for conclusion of the inquiry into air accidents by AAIB be framed and upto a maximum of one year's time be given and further extension of time, if any, be granted only on submission of appropriate reasons justifying such an extension.

12. In their Action Taken Note furnished, the AAIB (Ministry of Civil Aviation) have stated as follows:-

“As per Rule 3 of Aircraft (Investigation of Accidents and Incidents) Rules 2017, “The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents and not to apportion blame or liability”. Hence, the Investigation Report should be used solely for the said purpose and not used for Insurance Purpose or any other Legal/Judicial/Administrative purpose to apportion blame or liability or, deny/delay compensation to the victims.”

13. According to the Ministry, the Investigation Report should not be used for denying/delaying compensation to the victims among other conditions/factors. That is precisely why the Committee in their earlier Report had recommended for framing of suitable guidelines to complete the investigation within a period of one year which might be extended on justifiable reasons. Further though Rule 3 of the Aircraft (Investigation of Accidents and Incidents) Rules 2017 does not intend to apportion blame or liability on an air accident or incident, it does not seemingly prohibit framing of guidelines to complete the investigation in a time bound manner. The Committee therefore, again exhort the Ministry to take requisite measures for completing the investigation into air accidents/incidents within a reasonable time frame so as to ensure prevention of further accidents and timely payment of compensation to the victims.

**New Delhi;
20th July, 2021
29 Ashadha, 1943 (Saka)**

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

STANDING COMMITTEE ON LABOUR

(2020-21)

Minutes of the Nineteenth Sitting of the Committee

The Committee sat on Thursday, the 08th July, 2021 from 1100 hrs. to 1315 hrs. in Committee Room No. '3', Parliament House Annexe, Extension Building, New Delhi.

PRESENT

Shri Bhartruhari Mahtab, Chairperson

Lok Sabha

2. Shri Subhash Chandra Baheria
3. Shri Pallab Lochan Das
4. Shri Dayakar Pasunoori
5. Shri Satish Kumar Gautam
6. Dr. Umesh G. Jadhav
7. Shri Naba Kumar Sarania
8. Shri Nayab Singh Saini
9. Shri Bhola Singh

Rajya Sabha

10. Dr. Banda Prakash
11. Ms. Dola Sen
12. Shri M. Shanmugam
13. Shri Neeraj Dangi
14. Shri Dushyant Gautam
15. Shri Vivek Thakur
16. Shri Naresh Bansal

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director
4. Shri Kulvinder Singh - Deputy Secretary
5. Shri Sidhartha Gautam Kamidi- Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened for consideration and adoption of the following Draft Reports on:

(i) XX XX XX XX.

(ii) XX XX XX XX.

(iii) Action Taken by the Government on the Observations/ Recommendations of the Committee contained in their 45th Report (Sixteenth Lok Sabha) on the Subject `Scheduled/Non-Scheduled/ Test Flying Air Operators/ Maintenance, Repair and Overhaul (MRO) companies/Air Ports Operators - Safety, Social Security Measures and norms for their Workers/ Employees especially in the context of those who are associated with flying the Aircraft in Civil Aviation Sector`.

(iv) XX XX XX XX.

(v) XX XX XX XX.

3. Giving an overview of the important Observations/ Recommendations contained in the Draft Reports, the Chairperson solicited the views/ suggestions of the Members.

4. The Committee, then, took up the Draft Reports one by one for consideration and after some discussions adopted them.

5. The Committee then authorized the Chairperson to finalise the Reports XXXXX and present the Reports to Parliament in the ensuing Monsoon Session.

6. XX XX XX XX.

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 OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THEIR FORTY-FIFTH REPORT OF THE STANDING COMMITTEE ON LABOUR (SIXTEENTH LOK SABHA)

	Total	Percentage
I. Total number of Recommendations	09	100%
II. Recommendations/Observations which have been accepted by the Government – Rec. Para Nos.- 31, 32, 33, 55 and 64	05	Total:05 55.55%
III. Recommendations/Observations which the Committee do not desire to pursue in view of the Government’s reply – NIL.	00	Total:00 00%
IV Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – Rec. Para No.- 61.	01	Total:01 11.11%
V Recommendations/Observations in respect of which replies of the Government are interim in nature – Rec. Para Nos.- 53, 54 and 65.	03	Total:03 33.33%
		100%