

**TWENTY-SIXTH REPORT  
COMMITTEE ON PETITIONS**

**(SEVENTEENTH LOK SABHA)**

**MINISTRY OF HEALTH & FAMILY WELFARE  
AND  
MINISTRY OF LABOUR & EMPLOYMENT**

**(Presented to Lok Sabha on 28.03.2022)**



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### ANNEXURE

Minutes of the 19th sitting of the Committee on Petitions held on 22.12.2021. *(Not enclosed)*

## COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

### MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Dr. Sukanta Majumdar
5. Shri Sanjay Sadashivrao Mandlik
6. Shri P. Ravindhranath
7. Shri Brijendra Singh
8. Shri Sushil Kumar Singh
9. Shri Manoj Tiwari
10. Shri Prabhubhai Nagarbhai Vasava
11. Shri Rajan Vichare
12. Vacant
13. Vacant
14. Vacant
15. Vacant

### SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director
4. Shri Harish Kumar Sethi - Executive Officer

**TWENTY-SIXTH REPORT OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

**INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorised by the Committee, present on their behalf this Twenty-Sixth Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Sixteenth Report on the representation of M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd., forwarded by Shri Ajay Tamta, M.P., Lok Sabha regarding non-payment of arrears towards security services by the management of Lady Hardinge Medical College (LHMC) in respect of Smt. Sucheta Kriplani Hospital, Shaheed Bhagat Singh Marg, New Delhi.

2. The Committee considered and adopted the draft Twenty-Sixth Report at their sitting held on 22 December, 2021.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

HARISH DWIVEDI,  
*Chairperson,*  
*Committee on Petitions.*

22 December, 2021

*1 Pausha, 1943 (Saka)*

## REPORT

**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) IN THEIR SIXTEENTH REPORT ON THE REPRESENTATION OF M/S. M.S. VIGILANT SECURITY, PLACEMENT & DETECTIVE SERVICES PVT. LTD., FORWARDED BY SHRI AJAY TAMTA, M.P., LOK SABHA REGARDING NON-PAYMENT OF ARREARS TOWARDS SECURITY SERVICES BY THE MANAGEMENT OF LADY HARDINGE MEDICAL COLLEGE (LHMC) IN RESPECT OF SMT. SUCHETA KRIPLANI HOSPITAL, SHAHEED BHAGAT SINGH MARG, NEW DELHI.**

The Committee on Petitions (Sixteenth Lok Sabha) presented their Sixteenth Report to Lok Sabha on 10 August, 2016 on the representation of M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd., forwarded by Shri Ajay Tamta, M.P., Lok Sabha regarding non-payment of arrears towards security services by the Management of Lady Hardinge Medical College (LHMC) in respect of Smt. Sucheta Kriplani Hospital, Shaheed Bhagat Singh Marg, New Delhi.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Health & Family Welfare and the Ministry of Labour & Employment were asked to implement the recommendations and furnish their action taken replies thereon for consideration of the Committee.

3. Action Taken Replies have since been received from the Ministry of Health & Family Welfare and the Ministry of Labour & Employment in respect of the observations/recommendations contained in the aforesaid Report. The observations/recommendations made by the Committee and the replies furnished thereto by the Ministry of Health & Family Welfare and the Ministry of Labour & Employment are detailed in the succeeding paragraphs.

4. In paras 28 and 29 of the Report, the Committee had observed/ recommended as follows:-

*"The Committee note the grievances of the representationist about the inordinate delay in the release of arrears towards security services provided by M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. to the Lady Hardinge Medical College (LHMC) as well as the Smt. Sucheta Kriplani Hospital, Shaheed Bhagat Singh Marg, New Delhi. The Committee also note that on the request of the Hospital Authorities, the representationist had deployed additional Security Guards in the Hospital premises and the contract had also been renewed by the Hospital Authorities. In spite of the best of security services provided by the Contracting Firm, the Hospital Authorities had failed to release the dues. The representationist also informed that the inordinate delay in releasing the payment by the Hospital Authorities had led to serious functional/financial problems to the representationist, viz., non-payment of salary to the Security Guards, delayed compliance of various statutory obligations like depositing of employers' share of Provident Fund, ESI dues, etc.*

*The Committee further note the argument put forth by the Ministry of Health & Family Welfare that various complaints against the Contracting Firm were pending with the Employees Provident Fund Organisation (EPFO) regarding non-extension of Provident Fund benefits to the contracted Security Guards and evasion of PF liabilities. The Committee observe that the final payment to the Contracting Firm would be made by the Hospital Authorities only after ensuring PF and other statutory compliance in respect of all the contractual employees of the Contracting Firm. The Committee find that if the Contractor failed to comply with the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Hospital Authorities, being the Principal Employer, would be held responsible for the omission and legal action might be initiated against them. The Committee also note the procedural requirement of the Ministry that they need the requisite documents from the Contractor as a proof of depositing the EPF in respect of the workers deployed in the LHMC. However, what the*

*Committee find disturbing is the submission of the Ministry of Health & Family Welfare as well as the Ministry of Labour & Employment that the alleged complaint of non-compliance of statutory requirements had been pending with the Office of the Labour Employment (Central) and they had not given any final reply about the extent of non-compliance of statutory liabilities on the part of Contractor. The Committee feel that the Government should present an example of being a good employer by not only ensuring time bound settlement of complaints regarding non-compliance of statutory obligations against the Contractor but also expeditiously release the payment to them, after deducting the amount of statutory liabilities, so that the poor workers who had been employed by any Contracting Firm should not be the ultimate sufferers. The Committee, therefore, recommend that an in-built mechanism may be put in place by the Ministry of Health & Family Welfare as well as the Ministry of Labour & Employment to regularly monitor the compliance of statutory obligations by all the Contractors and at the same time ensure release of salaries/wages to the contracted employees, on a regular basis."*

5. The Ministry of Health & Family Welfare, in their action taken replies, have submitted as under:-

*"LHMC with associated hospitals had engaged M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. for providing security personnel. These services were availed upto May, 2015. The LHMC, being the Principal Employer, was forced to withhold payments to M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. due to non-compliances of statutory liabilities.*

*Currently, LHMC authorities keeps a close watch on the compliance of Statutory Liabilities due at the end of the Contractors and also getting details about compliance of PF/ESI payments by the contractor and releasing the salaries/wages of the employees on regular basis. It is also informed that a Security Committee consisting of Senior Officers, has been constituted to streamline the process and resolve the matters related to the security services."*



6. The Ministry of Labour & Employment, in their action taken replies, have submitted as under:-

*"The amount of EPF contribution due in respect of employees deployed by M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. at LHMC was determined by orders passed under Sec. 7A as under:-*

- i) *Rs.10,89,486/- vide orders dated 15.03.2018 which was challenged before the CGIT which granted stay vide order dated 15.10.2018. The matter is pending for adjudication.*
- ii) *Rs.11,01,331/- vide orders dated 21.10.2019 which has been recovered in full.*

*The above status has been informed to the Principal Employer- Lady Hardinge Medical College vide EPFO letter No.RO/Delhi(East)/JHML/Comp-I/DSSHD/ 25860/6427-28 dated 14.09.2020.*

*M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. had the contract agreement with Lady Hardinge Medical College and Smt. Sucheta Kriplani Hospital from 2009 to 30.07.2015. During the said contract period complaints for non-payment of Minimum Wages and delayed payment of wages were received. The directions dated 26.11.2015 were issued to Principal Employer i.e. Director, Lady Hardinge Medical College and Smt. Sucheta Kriplani Hospital for payment of wages to the workers of M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. Payments were made to the workers by the Principal Employer as per Sec 21(4) of CL (R&A) Act, 1970 for following months:-*

<b>Sl. No.</b>	<b>Month &amp; Year</b>	<b>Amount of wages</b>
1.	November, 2014	15,29,891/-
2.	December, 2014	15,29,891/-

3.	January, 2015	15,29,891/-
4.	February, 2015	15,29,891/-
5.	March, 2015	15,29,891/-
6.	April, 2015	15,29,891/-
7.	May, 2015	15,29,891/-
	<b>Total:</b>	<b>1,07,09,237/-</b>

Four claim applications for non-payment of Minimum Wages were also filed before the Authority under Minimum Wages Act, i.e., before the RLC(C), New Delhi by the workers.

M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. is covered under ESI Scheme with code No.20000554650001018 at Sub Regional Office, Okhla. The Employer has made compliance till December, 2020. The employer is making compliance however with some delay. As on date total outstanding dues against the employer is as under:-

Interest on delayed payments: Rs.2,95,369/-

Damages on delayed payments: Rs.58,643/-

Total outstanding dues: Rs.3,54,012/-

In this regard, it is submitted that the benefits under ESI Act are provided to insured person/beneficiaries on paid and payable basis of contribution.

In respect of the recommendation of the Committee to make an inbuilt mechanism in place by the Ministry of Labour & Employment on regular monitoring the compliance of statutory obligation by all the contractors, it is submitted as under:-

Online facility is available under "Establishment Search" on the EPFO website/UMANG App through which anyone can view the

remittance and list of employee/members for which remittance made for any wage month by any establishment. Principal employers can view such compliance made by its contractor(s) covered under the EPF and MP Act, 1952. Separate ECR can be filed for employees employed with various principal employers.

EPFO has launched electronic facility for Principal Employers to view EPF compliance of their Contractors w.e.f. 01.01.2021 with following facilities:-

- (i) EPFO registered employer engaging employees through contractor(s) can add the details of contractor(s) and contract employees at EPFO's Unified Portal: <https://unifiedportal-emp.epfindia.gov.in/epfo/>
- (ii) Principal Employers (PE) not registered with EPFO can also register on Unified Portal to receive Login/password to add details of their contractor(s) and contract employees.
- (iii) On adding contractor's details, PE can view through their Login the employee wise remittance made by contractors through ECR.
- (iv) PE can now ensure that their contractor(s) enroll all contract workers and remit EPF contributions through ECR.

LEO(C), New Delhi has conducted the inspection of M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. on 16.06.2021 under Contract Labour (Regulation & Abolition) Act, 1970 and Minimum Wage Act, 1948. A complaint under Contract Labour (Regulation & Abolition) Act, 1970 has been filed against the contractor.

For regular monitoring of the compliance of the statutory obligation of the contractor (Employer) automated defaulter list of the defaulting

*employers is generated. The generation of this list is completely automated and necessary defaulter action against employer is taken based on this list.*

*For analyzing complaints against the default of employers. There is a Centralized Analysis and Intelligence Unit (CAIU). This unit does analysis of the complaints cases and takes appropriate action against the complaints. Regular inspections are conducting through Shram Suvidha Portal a fully automated, transparent system of inspection which generates inspection based predetermined risk criteria without any manual intervention."*

7. In para 30 of the Report, the Committee had observed/recommended as follows:-

*"The Committee note that one officer of the level of Deputy Labour Welfare Commissioner (DLWC) was to be posted by the Ministry of Labour & Employment to the LHMC with the mandate to ensure compliance of the various statutory liabilities, viz., Minimum Wages, EPF, ESI, etc., along with verification of attendance of the contracted employees, on monthly basis. The Committee are dismayed to note that the post of DLWC had been lying vacant since 15.12.2014. Though some interim arrangement had been made by the Hospital Authorities to monitor the compliance of various statutory requirements by the Contracting Firm, in the Committee's view, such type of ad hoc and stop-gap arrangement is not an effective solution to the various functional/financial problems being faced by the Contracting Firm and in turn by the poor contracted employees. The Committee, therefore, take a serious note of non-filling up of the post of DLWC and recommend that the Ministry of Labour & Employment should fill up the post without any further delay."*

8. The Ministry of Health & Family Welfare, in their action taken replies, have submitted as under:-

*"It is intimated that one Deputy Labour Welfare Commissioner (DLWC) has already been deputed in LHMC and Associated Hospital w.e.f. August, 2016 for monitoring the statutory compliance of outsourced firms."*

9. The Ministry of Labour & Employment, in their action taken replies, have submitted as under:-

*"The recommendation of the Hon'ble Committee has been fully complied with. Immediately after receipt of the report on the Committee in August 2016, Shri Hemant Singh was posted as DLWC in Lady Hardinge Medical College (LHMC). It has been this Ministry's endeavor to keep the post filled up. Presently, Ms. Reega Jaisingh Chauhan is holding the post of DLWC in LHMC since June, 2020, and discharging her duties towards compliance of the various statutory obligations by giving advice to the management of the LHMC in respect of Minimum Wages, EPF, ESI, Contract Labour Act, etc.*

*In addition to the above, it is to state that, Section 21(2) of Contract Labour (Regulation & Abolition) Act, 1970 provide that every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages to contract labour.*

*In case of less payment, if any, the minimum wages prescribed by the Government, workers can also file a claim application before the Authority under Minimum Wages Act, 1948. Authority can award the amount claimed and fine upto ten times of the lesser amount due to the workers.*

*To ensure regular monitoring the compliance of statutory obligations by all the contractors, an inspection scheme has been formulated. As per the scheme, establishments for inspection are randomly selected through Shram Suvidha Portal. Also whenever any complaint for*

*violation of the labour laws is reported, inspection under the CAIU is done."*

10. In para 31 of the Report, the Committee had observed/recommended as follows:-

*"The Committee also observe that the information uploaded by the EPFO in their website, containing the details of employers' contribution made to the individual contracted employee in his/her EPF account by the Contracting Firm is neither regularly updated nor the same is user friendly. The Committee, after detailed deliberations with all the stakeholders during the examination of the representation, are convinced that had all the requisite information been regularly updated in the website of EPFO and the information contained user friendly details to notice even the slightest of default on the part of the Contracting Firm in adhering to various statutory requirements, the problem of non-receipt of salaries/wages being faced by the poor contracted employees would not have arisen. The Committee, therefore, recommend to the Ministry of Labour & Employment to instruct the EPFO to upload complete information with regard to month-wise depositing of employers' share of Provident Fund in the account of all contracted employees and also formulate an in-built feature on the website on the basis of which, any default in complying with the statutory obligations on the part of any Contracting Firm is automatically transmitted to all Authorities concerned for taking immediate necessary action in accordance with the rules/orders on the subject. The Committee also wish to caution the Ministry of Health & Family Welfare as well as the Ministry of Labour & Employment that under any circumstance, delay in releasing of dues to the Contracting Firm and in turn causing hardship to the poor contracted employees, should not be attributed to reasons like prolonged inquiry, non-receipt of information by other stakeholders, imposition of condition to the effect that dues will be released only after ensuring that the Contracting Firm had complied with various statutory obligations, etc."*

11. The Ministry of Health & Family Welfare, in their action taken replies, have submitted as under:-

*"However, LHMC and Associated Hospitals has been regularly releasing payments to outsourced firms. It is also informed that the present security agency is regularly providing the proof of compliance against the statutory liabilities."*

12. The Ministry of Labour & Employment, in their action taken replies, have submitted as under:-

*"As stated above, the electronic facility deployed on 01.01.2021 will facilitate Principal employers in timely detection of default, if any, committed by contractors. EPFO registered employer engaging employees through contractor(s) can add the details of contractor(s) & contract employees at EPFO's Unified Portal: <https://unifiedportal-emp.epfindia.gov.in/epfo/>. On adding contractor's details, PE can view through their Login the employee wise remittance made by contractors through ECR. If the payment of wage to labour is delayed, it is responsibility of Principal Employer to make the payment to contract labour under Section 21(4) of Contract Labour (Regulation & Abolition) Act, 1970.*

*The details of the inspection of contractors functioning in the Lady Hardinge Medical College and Smt. Sucheta Kriplani Hospital are as under:-*

<i>Name of the Contractor</i>	<i>Date of Inspection</i>	<i>Date of filing the complaint</i>	<i>Status /outcome of complaint/Inspection</i>
<i>1. M/s. M. S. Vigilant Security, Placement &amp; Detective Services Pvt. Ltd.</i>	<i>16.06.2015</i>	<i>-</i>	<i>Convicted and Imposed fine of Rs.2,000/-</i>
<i>2. M/s. Sulabh International Social Services</i>	<i>27.03.2017</i>	<i>--</i>	<i>A claim of Rs.33,960/- along with compensation of</i>

			<i>Rs.12,000/- was awarded to workers by the authority under MW Act 1948</i>
<i>3. M/s. Trig Detective Pvt. Ltd.</i>	<i>05.10.2018</i>	<i>03.1.2019</i>	<i>Convicted Imposed fine of Rs. 10,000/-</i>
<i>4. M/s. Trig Detective Pvt. Ltd.</i>	<i>29.03.2019</i>	<i>25.06.2019</i>	<i>Matter is pending before the Court of Law</i>
<i>5. M/s. Trig Detective Pvt. Ltd</i>	<i>30.03.2019</i>	<i>25.6.2019</i>	<i>Convicted and imposed fine of Rs.6,000/-</i>
<i>6. M/s. Sulabh International Social Services</i>	<i>30.10.2019</i>	<i>21.1.2020</i>	<i>Matter is pending before the Court of Law.</i>

13. In para 32 of the Report, the Committee had observed/recommended as follows:-

*"The Committee note with satisfaction that a Committee under the Chairmanship of Additional Secretary (Health) is looking into the matter of release of dues to M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., by formulating a mechanism for working out precise details of various statutory liabilities to be paid by the Contracting Firm so that the amount could be deducted prior to making payment to them. The Committee are happy to note that pursuant to adopting the said mechanism, an amount of Rs. 95 lakh, as first installment, has already been released to the Contracting Firm. The Committee also hope that the remaining two installments amounting to Rs.1.75 crore, as worked out and informed by the Ministry of Health and Family Welfare, would be released to the Contracting Firm, in due course, after retaining the amount of statutory liabilities required to be deposited by the Contracting Firm. The Committee, therefore, recommend to the Ministries of Health & Family Welfare and Labour & Employment to ensure the payment of the dues to the Contracting Firm, at the earliest."*

14. The Ministry of Health & Family Welfare, in their action taken replies, have submitted as under:-



"Release of Payments: A committee was constituted under the Chairmanship of Addl. Secretary (Health) to resolve the issue of pending payments & compliance of Statutory Liabilities. It is intimated that LHMC and Associated Hospitals has already released about 1.95 crores retaining only about 1.20 crores on account of due PF liabilities. Payment has been released in 3 installments as under:-

[in Rs.]

Instalment	Payment released by LHMC	Payment released by KSCH	Total
1 <sup>st</sup>	59,80,147.00	37,36,140.00	97,16,287.00
2 <sup>nd</sup>	23,34,705.00	14,50,897.00	37,85,602.00
3 <sup>rd</sup>	45,47,349.00	14,53,749.00	60,01,098.00
<b>Grand Total</b>			<b>1,95,02,987.00</b>

In order to release the balance payments, LHMC has sought certain information and clarification from M/s M. S. Vigilant Agency. LHMC has released more than Rs.1.95 crore to M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd., cases of wages disputes are still pending in Labour Commissioner Offices and Labour Courts. M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. has been instructed by LHMC to resolve the wages disputes of security personnel pending in Labour Commissioner Offices and Courts. It is essential as LHMC, being the principal employer. It is also intimated that M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. had given indemnity bond, indemnifying LHMC against all disputes of security personnel deputed by it in LHMC Compliance, is still pending. Moreover, M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. has also been instructed to provide correct bills for the months of March, April, May 2015. M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd. had claimed payments, against the bills for 100% attendance, while they had deployed lesser number of security personnel during these 03 months.

As soon as the above mentioned matters are settled by M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd., LHMC will

release balance payments for which EPFO has verified the deposition till now (about 99 lakhs as per the EPFO's letter No. DSSH/JML/ Compl.II/ 25860/4798 dated 04.07.2016)."

15. The Ministry of Labour & Employment, in their action taken replies, have submitted as under:-

*"There is no action required to be taken by EPFO for release of payment to the establishment. The decision is to be taken by the LHMC based on records."*

## OBSERVATIONS / RECOMMENDATIONS

### Timely furnishing of Action Taken Replies on the observations/recommendations made by the Committee in their Reports

16. The Committee on Petitions (Sixteenth Lok Sabha) undertook a detailed examination of the representation received from M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., forwarded by Shri Ajay Tamta, M.P., Lok Sabha regarding non-payment of arrears towards security services by the Management of Lady Hardinge Medical College (LHMC) in respect of Smt. Sucheta Kriplani Hospital, Shaheed Bhagat Singh Marg, New Delhi and subsequently, presented their Sixteenth Report thereon to Lok Sabha on 10.8.2016. In their Report, the Committee had made observations/recommendations on the number of issues raised in the said representation and emphasised the need for furnishing action taken replies by the Ministry of Health & Family Welfare and the Ministry of Labour & Employment. Though, the Committee on Petitions had presented their Sixteenth Report on the representation to Lok Sabha on 10.8.2016, the Ministry of Labour & Employment submitted their Action Taken Replies on 17.2.2021, i.e., after a lapse of more than 4 and half years.

17. The Committee wish to express their displeasure on the inordinate delay in submission of action taken replies by the Ministry of Labour & Employment on a matter of wider public interest. The Committee would also like to remind the Ministry that the observations/recommendations

made by the Parliamentary Committee(s) are required to be given due consideration and implemented with alacrity it deserve. Delayed submission of action taken replies to a Parliamentary Committee could be regarded as a breach of privilege of the House and its Committee(s). The Committee, therefore, expect the Ministry to sensitize their administrative machinery/operational team to chalk out a plan to ensure that such unpleasant situation does not recur in future.

Regular monitoring and compliance of 'Statutory Obligations' by the Contractors for payment of wage arrears

18. The Committee, while meticulously going through the entire sequence of events as narrated by the representationist and the response of the Ministry of Health & Family Welfare and the Ministry of Labour & Employment during the course of detailed examination of the instant representation of M/s. M. S. Vigilant Security, Placement & Detective Services Pvt. Ltd., had noted that though on the request of the Hospital Authorities of Lady Hardinge Medical College, M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., had deployed additional Security Guards in the Hospital premises and the contract related thereto had also been renewed by the Hospital Authorities but there was an inordinate delay in the release of arrears towards security services provided to the Lady Hardinge Medical College (LHMC) as well as the Smt. Sucheta Kriplani Hospital, New Delhi which had led to serious functional/financial problems to the representationist, viz., non-

payment of salary to the Security Guards, delayed compliance of various 'Statutory Obligations', viz., depositing of employers' share of Provident Fund, ESI dues, etc.

19. The Committee had, therefore, recommended that an in-built mechanism should be put in place by the Ministry of Health & Family Welfare as well as the Ministry of Labour & Employment to regularly monitor the compliance of 'Statutory Obligations' by all the Contractors and at the same time to ensure the release of salary/wages to the contracted employees, on a regular basis.

20. The Committee are satisfied to note that pursuant to the Committee's recommendation, the Lady Hardinge Medical College have constituted a 'Security Committee' consisting of Senior Officers to streamline the process and also resolving various connected issues related to the security services. However, the broad contours and the terms of reference of the said Security Committee have not been shared with the Committee on Petitions, Lok Sabha.

21. In this context, the Ministry of Labour & Employment have also informed that EPFO has launched an electronic facility for Principal Employers to monitor the EPF compliance by their Contractors, w.e.f., 01.01.2021, wherein, EPFO registered Employer engaging employees through Contractor(s) can add the details of Contractor(s) and their employees at EPFO's Unified Portal, i.e., <https://unifiedportal->

[emp.epfindia.gov.in/epfo/](http://emp.epfindia.gov.in/epfo/). The said facility also contain a feature to the effect that the Principal Employers who are not registered with the EPFO can also register on the Unified Portal to receive Login/Password to add details of their Contractor(s) along with their employees. On adding the Contractor's details, the Principal Employers could view the employee-wise remittance(s) made by the Contractors through the ECR and also initiate action against the defaulting Contractors. The Ministry of Labour & Employment have further submitted that regular inspections are being conducted through Shram Suvidha Portal, a fully automated and transparent system of inspection, which generates inspection based pre-determined risk criteria without any manual intervention.

22. Notwithstanding the action taken by the Ministry of Health & Family Welfare as well as the Ministry of Labour & Employment for monitoring the compliance of 'Statutory Obligations' by all the Contractors, the Committee would like to be candid in expressing that Ministries concerned should be extra vigilant in future to ensure the timely release of salaries/wages to the contracted employees. Further, in order to obviate recurrence of such incidents in future, the Committee also desire the Ministry of Health & Family Welfare and the Ministry of Labour & Employment to issue necessary directives to all the Authorities/Agencies concerned to ensure that all the 'Statutory Obligations' are timely fulfilled by all the Contractors, failing which appropriate punitive action should be initiated, which may include

blacklisting of the Contracting Firm, imposition of hefty penalties, etc. The Committee would like to be apprised of the concrete action taken by the Ministries concerned in the matter.

Filling up the vacancy of Deputy Labour Welfare Commissioner in all the Government Hospitals

23. The Committee on Petitions, Lok Sabha while examining the instant representation of M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., had noted that the post of Deputy Labour Welfare Commissioner (DLWC) in the Lady Hardinge Medical College was lying vacant since 15.12.2014. Though some interim arrangement had been made by the Hospital Authorities to monitor the compliance of various statutory requirements by the Contracting Firm which is required to be looked after by the Deputy Labour Welfare Commissioner, the Committee regarded the same as *ad hoc* arrangements and accordingly recommended that the Ministry of Labour & Employment should fill up the post of DLWC in the Lady Hardinge Medical College without any further delay.

24. The Ministry of Health & Family Welfare and the Ministry of Labour & Employment, in their Action Taken Replies, have informed the Committee that with a view to monitoring the statutory compliance by the outsourced Firms, the recommendation of the Hon'ble Committee has been fully complied with and Shri Hemant Singh was posted as Deputy Labour Welfare Commissioner in the Lady Hardinge Medical

College and Associated Hospital, w.e.f., August, 2016. Presently, Ms. Reega Jaisingh Chauhan is holding the post of DLWC in the said Hospital since June, 2020, and discharging all the mandated functions.

25. The Committee are satisfied to note that their recommendation has been implemented by the Ministry by way of deploying Shri Hemant Singh as Deputy Labour Welfare Commissioner in the Lady Hardinge Medical College and Associated Hospital, w.e.f., August, 2016 and Ms. Reega Jaisingh Chauhan subsequently with effect from June, 2020. In spite of this initiative, the Committee wish to urge the Ministry of Health & Family Welfare and the Ministry of Labour & Employment to work out a mechanism for filling up the vacancy of Deputy Labour Welfare Commissioner in all the Government Hospitals so that the gullible employees do not face any hardship in the form of non-deposition of statutory dues, etc., by the contracted Firm. The Committee would like to be apprised of the action taken by the Government in this regard.

#### Initiating legal proceedings against the defaulting Contracted Firm

26. The Committee note from the Action Taken Reply furnished by the Ministry of Health & Family Welfare that a Committee has been constituted under the Chairmanship of Additional Secretary (Health) to resolve the issue of pending payments and compliance of Statutory Liabilities. Further, the Lady Hardinge Medical College and Associated



Hospitals have already released around Rs.1.95 crore to M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., thereby, retaining only a sum of Rs.1.20 crore on account of Provident Fund liabilities. In order to release the balance payment, the Lady Hardinge Medical College has sought certain clarification from M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. The Lady Hardinge Medical College has also issued instructions to the said Security Agency to resolve the wage dispute of their security personnel which has been pending with the Labour Commissioner as well as in the Courts. It has also been submitted before the Committee that as soon as the aforementioned issues are resolved by the Security Agency, the LHMC will release the balance payment to them.

27. In this context, the Committee would like to reiterate that even at the time of examining the representation regarding non-payment of arrears towards security services by the Management of Lady Hardinge Medical College in respect of Smt. Sucheta Kriplani Hospital to M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd., the Committee had not made any recommendation for unmindful release of all the dues/withheld amount to the Security Agency without ensuring cent percent compliance of 'Statutory Obligations' of the contracted security personnel, especially the Provident Fund liabilities, as well as resolving of wage issue as per rules and other terms and conditions. As a matter of fact, the Committee still recognize that the sufferings of

employees of the contracted Firm at all times overweigh the incessant claims made by the said Security Agency in relation to non-repayment of arrears by the said Hospital Management. The Committee are also of the considered view that if any contracted Firm has the canny propensity of exhibiting delinquency in the form of neither releasing the wages nor adhering to the timely fulfilment of 'Statutory Obligations' of their employees on one pretext or the other that too for a seemingly long duration, the Principal Employer, which is, in the present case, is the Lady Hardinge Medical College, should initiate legal proceedings against their Proprietors/Directors, which may also include blacklisting of such fraudulent Firms. Till that time, the Committee also consider it as a sane decision on the part of Ministry and the Hospital Authorities to withheld the balance amount of Rs. 1.20 crore payable to M/s. M.S. Vigilant Security, Placement & Detective Services Pvt. Ltd. The Committee would like to be apprised of the action taken by the Ministry of Ministry of Health & Family Welfare in the matter.

NEW DELHI;  
22 December, 2021  
1 Pausha, 1943 (Saka)

HARISH DWIVEDI,  
Chairperson,  
Committee on Petitions