

## Introduction

**1.1** Under the dynamic leadership of Hon'ble Prime Minister Shri Narendra Modi, the Labour and Employment Ministry is taking transformative initiatives by a series of measures to enhance transparency, accountability and to improve compliance with the ultimate aim of effectively promoting employment generation, industrial peace, harmony and all round development.

As a part of the inclusive development strategy of the Government, the Labour and Employment Ministry under the leadership of Shri Bandaru Dattatreya, Hon'ble Minister of State (Independent Charge) for Labour & Employment is endeavoring to ensure and realise the job security, wage security and social security to the workforce of the country.

**1.2** At present, there are 43 labour related statutes enacted by the Central Government dealing with minimum wages, accidental and social security benefits, occupational safety and health, conditions of employment, formation of trade unions, industrial relations, etc. The list of Central Acts is annexed (Box 1.1 at the end of this Chapter).

## New Initiatives/ Important Activities

### National Career Service (NCS) Project

**1.3** The Ministry is implementing the National Career Service (NCS) Project as a Mission Mode Project for transformation of the National Employment Service to provide a variety of employment related services like career counseling, vocational guidance, information on apprenticeship, internships etc. The NCS Portal ([www.ncs.gov.in](http://www.ncs.gov.in)) has been made functional. The portal was dedicated to the Nation by Hon'ble Prime Minister on 20.07.2015. The NCSP is

supported by a dedicated helpdesk (multi-lingual) available from Tuesday to Sunday (8.00 AM to 8.00PM) on 18004251514 for assisting users. It has a rich repository of career content of over 3000 occupations.

### New Initiatives under Health Reforms Agenda of ESIC 2.0:

**1.4** Aimed at providing better health services, Hon'ble Prime Minister launched a series of Health Reforms Agenda of Employees' State Insurance Corporation (ESIC) on 20.07.2015 as indicated below:

- Online availability of **Electronic Health Record** of ESI Beneficiaries (Insured Persons and their family members).
- **Abhiyan Indradhanush**: Ensuring the change of bedsheet according to VIBGYOR pattern during the week i.e. bedsheet to be changed everyday.
- **Medical Helpline No.** 1800 11 3839 for emergency and seeking guidance from casualty/emergency of ESIC Hospitals.
- **Special OPD** for Sr. Citizens and differently-abled persons in ESIC hospitals.

### Shram Suvidha Portal

**1.5** The Ministry of Labour & Employment has developed a unified Web Portal 'Shram Suvidha Portal', to bring transparency and accountability in enforcement of labour laws and ease complexity of compliance. It caters to four major Organisations under the Ministry of Labour, namely :

- Office of Chief Labour Commissioner (Central),
- Directorate General of Mines Safety,





*The National Career Service (NCS) Portal and series of ESIC 2.0 Reforms was dedicated to the Nation by Hon'ble Prime Minister on 20.07.2015.*

- Employees' Provident Fund Organization; and
- Employees' State Insurance Corporation.

#### **Features of the Portal:**

- Allotment of Unique Labour Identification Number (LIN) to Units to facilitate online registration. The unique Labour Identification Number (LIN) has been issued to 9,68,954 Units as on 08.02.2016.
- Filing of self-certified and simplified Single Online Common Annual Return by the establishments. Units will only file a single consolidated Return online instead of filing separate Returns.
- Transparent Labour Inspection Scheme through computerized system based on risk based criteria and uploading the Inspection reports within 72 hours by the Labour inspectors.

#### **Transparent Labour Inspection Scheme In Central Sphere**

- A computerized list of Inspections is generated randomly based on risk based objective criteria.

- Serious matters are to be covered under the mandatory Inspection list.
- Complaints based Inspections determined centrally after examination based on data and evidence.
- Mandatory uploading of Inspection Reports within 72 hours.
- 1,54,064 Inspections have been assigned as on 08.02.2016 since the launch of the Labour Inspection Scheme and out of which 1,44,011 have already been uploaded on Shram Suvidha Portal.

#### **Single Online Common Annual Return under 8 Central Labour Acts**

1.6 Ministry of Labour & Employment has started Single Unified Annual Return for 8 Labour Acts. This facilitates filing of simplified Single Online Return by the establishments instead of filing separate Returns, under the following Acts.

1. The Payment of Wages Act, 1936
2. The Minimum Wages Act, 1948



3. The Contract Labour (Regulation and Abolition) Act, 1970.
  4. The Maternity Benefit Act, 1961
  5. The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996.
  6. The Payment of Bonus Act, 1965
  7. The Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979
  8. The Industrial Disputes Act, 1947
- Now there shall be only one return for all of the above Acts / Rules. The Return has been formatted in two parts :
    - (i) Common / General Information Part
    - (ii) Sections for each specific Act (which need to be filed only if applicable)
  - Returns under the Contract Labour (Regulation and Abolition) Act, 1970, Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979; and Industrial Disputes Act, 1947, which were half yearly / annually earlier, now need to be filed by all employers annually.

### **Common Registration under 5 Central Labour Acts, by integration with DIPP's E-Biz Portal**

**1.7** Facility for Common Registration under 5 Central Labour Acts has been developed on e-Biz Portal of the Department of Industrial Policy & Promotion. The Acts covered under this include:-

- The Employees Provident Fund & Miscellaneous Provisions Act, 1952,
- The Employees State Insurance Act, 1948,

- The Building & Other Construction Workers (RECS) Act, 1996,
- The Contract Labour (Regulation & Abolition) Act, 1970, and
- The Inter-State Migrant Workmen (RECS) Act, 1979

### **Labour Codes**

**1.8** Ministry of Labour & Employment (MoLE) has taken a number of initiatives for bringing transparency and accountability in enforcement of Labour Laws, with the objective of strengthening the safety, health, social security measures for every worker and bringing ease of compliance for running an establishment to catalyze creation of employment opportunities. These initiatives include governance reforms through use of technology and also legislative reforms by simplifying, rationalizing and amalgamating the existing labour laws into 4 labour codes.

### **Legislative Initiatives**

#### **Draft Small Factory Bill**

**1.9** The Bill provides for regulation of working and service conditions of workers in small manufacturing units employing less than 40 workers. The Bill amalgamates, simplifies and rationalizes the provisions of six Labour Laws at one place for these small factories. The Bill will ease the operation of small factories and thus catalyze the generation of employment through small factories while ensuring, inter-alia social security, safety and health of the workers.

**1.10** Ministry of Labour & Employment is working on to rationalize the provisions of the 43 labour laws into 4 Labour Codes. At present, the Ministry is working on the following four codes:-



- Code on Wages
- Code on Industrial Relations
- Code on Social Security & Welfare
- Code on Safety & Working Conditions

### **Labour Code on Wages**

It rationalizes, amalgamates and simplify the relevant provisions of the following four labour laws:

- The Minimum Wages Act, 1948
- The Payment of Wages Act, 1936
- The Payment of Bonus Act, 1965
- The Equal Remuneration Act, 1976

### **Labour Code on Industrial Relations**

The draft Code rationalizes, amalgamates and simplify the relevant provisions of the following three labour laws:-

- The Trade Unions Act, 1926
- The Industrial Employment (Standing Orders) Act, 1946
- The Industrial Disputes Act, 1947

Similarly the other two codes i.e. 'Labour Code on Social Security & Welfare' and 'Labour Code on Safety and Working Condition' will rationalize, amalgamate and simplify the provisions of the various labour laws.

### **Social Security**

#### **Employees State Insurance Corporation (ESIC)**

**1.11** To provide medical care and cash benefits in the case of sickness, maternity and employment injuries, the Employees' State Insurance Act was enacted in 1948. ESIC is implementing

the ESI Scheme introduced since 1952. The achievements are as under:-

- The ESIC Scheme has been extended to 101 new areas covering additional 1.28 lakh employees during the year 2015-16 and the number of beneficiaries covered under the Scheme has gone up to 7.89 crore.
- The number of claims under Rajiv Gandhi Shramik Kalyan Yojana (Unemployment Allowance) admitted from 01.09.2014 to 30.11.2015 was 1683 and the expenditure on this scheme was Rs. 7.72 crore.
- ESI Corporation became the first organization to integrate its services i.e. Registration of Employers through e-Biz portal.
- All PDB/DB payments are being made through ECS.
- During the year 2014-15, an expenditure of Rs.5714.34 crores was incurred on Medical Benefit.
- Social security benefits of ESI Scheme has been extended to Mizoram and in Port Blair.
- At present, ESI Scheme is being implemented in industrial/commercial clusters within districts. Now, the target is to cover whole of the 393 districts of the States by 31.03.2016, where these clusters are located.
- Opening Health Scheme for selected group of unorganized workers like rickshaw pullers/ auto rickshaw drivers in selected urban/ metropolitan areas, on pilot basis.
- ESI Coverage has been extended to Construction workers in the implemented area. Construction site Workers has been covered to avail benefits under the ESI Scheme w.e.f. 1st August, 2015.



- ESIC has launched independent Public Grievance Module 2.0 from 15.08.2015 for lodging ESIC related Grievance online through ESIC website 'www.esic.in' or 'www.esic.nic.in'.
- Dedicated website www.esichospitals.gov.in was launched in December, 2015 for ESIC Hospitals and Dispensaries.

### **Employees' Provident Fund Organization (EPFO)**

**1.12** The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 provides for Provident Fund, Pension Scheme and Insurance Fund in factories/establishments employing twenty or more employees in industries mentioned in Schedule-I to the Act. The following three Schemes framed there under:

- Employees' Provident Funds Scheme, 1952;
- Employees' Pension Scheme, 1995 and
- Employees' Deposit-Linked Insurance Scheme, 1976.

**1.13** The progress achieved by the EPF Organisation during the year 2014-15 under various areas and reforms introduced are given below:

#### **(a) Membership**

As on 31.03.2015, there were 8,61,123 establishments covered under the Act out of which 4737 were exempted establishments. The total membership (Un-exempted & Exempted) in the Employees' Provident Fund was 1,584.70 lakh with membership in the Pension Fund being 1325.34 lakh.

#### **(b) Claim settlement**

During 2014-15, 130.21 lakh members' claims were settled.

#### **(c) Contribution by Members**

Total corpus of cumulative contributions received against all three Schemes as on 31.03. 2015 stand at Rs.7,94,586.67 crore. During the year 2014-15, the total contributions received under all three Schemes amounted to Rs.1,13,910.89 crore.

#### **(d) Rate of interest**

The rate of interest declared on the deposits of members to the Employees' Provident Fund was 8.75% (on monthly running balance) for 2014-15. During the year, 1465.38 lakh annual statements of accounts were issued to members of un-exempted establishments.

#### **1.14 Implementation of Minimum Pension Provision:**

- The Central Government issued Gazette Notification No. 593(E) dated 19-8-2014 providing a minimum pension of Rs. 1000/- per month for member/ widow(er)/ disabled/ nominee/dependent parent pensioners, Rs.750/- per month for orphan pensioners and Rs.250/- per month for children pensioners w.e.f. 01.09.2014. It was initially for the year 2014-15, which has been continued in perpetuity.

#### **Pension Disbursement**

- The disbursement of pension is being carried out at present using the Core Banking System (CBS) platform of the pension disbursement banks. Instructions were issued to the field offices to ensure that pension was credited to the pensioners' accounts on the first working day of the month.

#### **1.15 Online Registration of Establishments**

The EPFO has launched a portal on 30.06.2014 for Online Registration of Establishments (OLRE) for the employers.



### 1.16 Universal Account Number

The facility of Universal Account Number (UAN) for EPF subscribers was formally launched on 16.10.2014. Portability is an inherent feature of the UAN programme. UAN provides automatic portability of Provident Fund (PF) account on change of employment if the employee has activated his UAN by seeding his Know Your Customer (KYC) details (through the employer). As on 29.02.2016, out of 6.38 Crore UAN allotted, 1.09 Crore members have activated their UAN. The Programme has following features:

- Portability of accounts linked with UAN.
- Member balance details via updated member passbook.
- Downloadable dynamic UAN card.
- SMS & e-mail service for multifarious services to member such as credit of monthly contribution and at other significant developments.

### 1.17 Inoperative Accounts Online Helpdesk

A help desk has been created to assist the members to trace their inoperative accounts, which the members can get it merged with the present account (UAN) or withdraw the same. Facility to the members has been provided on EPFO website [www.epfindia.gov.in](http://www.epfindia.gov.in)

### 1.18 Integration with E-Biz Portal

The online facility for allotment/registration of code number has also been integrated with the e-Biz Portal.

### 1.19 Short Code SMS Services

EPFO has started a new facility i.e. Short Code SMS Services to the Member who have activated UAN. Members from their registered mobile numbers send an SMS in the prescribed format at a

specified number i.e. 7738299899. EPFO sends the UAN, KYC status, last contribution, total PF balance details back to the members on their registered Mobile Numbers.

### 1.20 Updation of Member Accounts

A new mechanism to credit the interest in members' accounts has been developed for auto-updation of members' accounts at the end of the financial year within a span of 24 hours. As on 01.04.2015, more than 15 crore accounts of the members in respect of all the offices have been updated for the year 2014-15.

### Strengthening of Tripartism

**1.21** The Ministry of Labour & Employment has been striving to promote harmonious industrial relations in the country. The Government, being committed to the ethos and culture of tripartism, took measures to revitalize it.

### 47<sup>th</sup> Session of Standing Labour Committee

**1.22** The 47<sup>th</sup> Session of the Standing Labour Committee (SLC) was held on 10.07. 2015, in New Delhi under the chairmanship of Shri Bandaru Dattatreya, Hon'ble Minister of State for Labour and Employment (Independent Charge). The meeting was attended by senior representatives of the Central Trade Union Organizations, Central Employers Organizations, Labour Ministers and Senior Officers from State Governments/UT Administrations and Senior Officers from Central Ministries/Departments. The 47<sup>th</sup> Session of Standing Labour Committee set the agenda for 46<sup>th</sup> Indian Labour Conference held in July 2015 and also finalized the implementation report on the conclusions and recommendations of 43<sup>rd</sup>, 44<sup>th</sup> and 45<sup>th</sup> Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers and Tripartite Mechanism.





**47th Session of Standing Labour Committee**

### 46th Session of Indian Labour Conference

**1.23** The 46th Session of the Indian Labour Conference was held on 20-21, July, 2015 at Vigyan Bhawan, New Delhi. The conference was inaugurated by the Hon'ble Prime Minister of India Shri Narendra Modi on 20.07.2015. The conference was held under the chairmanship of Hon'ble Minister of State (Independent Charge), Labour & Employment Shri Bandaru Dattatreya. The conference was attended by State Labour Ministers,

Representatives of the Central Trade Union Organizations, Representatives of Central Organization of Employers and Officials from Central Ministries/Departments/State.

Governments/Union Territories and Public Sector Undertakings. Hon' ble Prime Minister also dedicated NCS portal and launched ESIC 2.0 Reforms in the inaugural session of 46th ILC. The 46th ILC focused its deliberations on:



**46th Session of Indian Labour Conference**



- Implementation of the conclusions/ recommendations of the 43rd, 44th and 45th Indian Labour Conference, particularly on Contract Labour, Minimum Wages and Scheme Workers and Tripartite Mechanism.
- Social Security for the workers in organized sector, unorganized sector and international migrant workers.
- Amendment of Bonus Act – Removal of conditions on payment ceiling, eligibility limits, decisions to pay minimum bonus without linking to loss when the performance indicator satisfy grant of bonus.
- Labour Laws amendments proposed/done either by the Central or State Governments.
- Employment and Employment Generation.

### **Regional Conference of State Labour Ministers / Labour Secretaries**

**1.24** The present Government has widened the scope of continuous engagement of consultations among the stakeholders for inclusive labour policy formulation at regional and state level. After a gap of 19 years and as a part of fresh initiative, the regional level conferences of State Labour Ministers and State Labour Secretaries were organized in Eastern, Southern, Northern, Western and North Eastern regions. All the Conferences were chaired by Shri Bandaru Dattatreya, Hon'ble Minister of State (Independent Charge) for Labour and Employment. The Conferences were attended by respective State Labour Ministers, Labour Secretaries and other senior officers of Central and state Governments. This helped in understanding the regional level problems of workers and employers. The Northern Region Conference was held in Lucknow on 22.06.2015. The Eastern Region

Conference was held in Ranchi on 25.06. 2015. The Southern Region Conference was held in Hyderabad on 27.06.2015. The North-Eastern Region Conference was held in Guwahati on 30.06.2015. The Western Region conference was held in Ahmedabad on 13.07. 2015.

### **Media Cell Activities**

**1.25** Media Cell in the Ministry has been responding to the requests from Cabinet Secretariat, PMO, MI&B and DietY for efficient and effective use of various platforms including websites and other digital media to create awareness amongst the public about the functioning and activities of the Government. One such response was e-Book uploaded in the Ministry's website. Simultaneously, Pocket Booklet was also prepared.

**1.26** Media Cell organized following Exhibition and Conference on Initiatives, Policies and Achievements of the Government for disseminating Information, Education and Communication (IEC) to the common public / stakeholders.

### **Exhibition-cum-Awareness Meet on the Initiatives of Ministry of Labour & Employment**

**1.27** An Exhibition cum Awareness Meet on the initiatives of the Ministry of Labour and Employment was inaugurated at MCD Civic Center, New Delhi on 25.05.2015. The exhibition highlighted various initiatives by the Ministry and its organizations like ESIC, EPFO, CLC(C), DGET, DGLW, Labour Bureau, DGMS, DGFASLI and VVGNLI. The event was attended by a large number of stakeholders form workers and employers, Senior officers from the Ministry, representatives from ILO Delhi and Media.





**1.28** Labour is one of the most critical factors of production. Industrial peace and harmony can be achieved only when the goals of employment and employability are in tune with the goals of industrial development and growth. It is our vision to have an environment which is conducive for inclusive growth and development of the country.

**1.29** A photo exhibition on the achievements and details of schemes being implemented by Ministry of Labour and Employment was organized at People's Plaza at Hyderabad on 23.10. 2015 on the occasion of "Alay Bhalay" a local festival in Hyderabad. In this exhibition EPFO, ESIC and DGET participated and exhibited their initiatives / achievements and spread awareness through Photo Exhibition, Hand Bills, Brochure and Pamphlet.

**Conference on the pioneer work done by Dr. B.R. Ambedkar in the area of Labour Welfare.**

**1.30** Ministry of Labour and Employment organized a conference on 06.12.2015 at Vigyan Bhawan, New Delhi to commemorate the 125th Anniversary Year of Bharat Ratna Babasaheb Dr. B.R. Ambedkar. A booklet "Dr B R Ambedkar-Labour Welfare & Empowerment : Initiatives to make his vision a reality" was also released on this occasion. It was unanimously agreed that it is collective responsibility to nurture the vast pool of human resource available with us. Skill Development and Labour welfare must be the priority of the Government. Speakers also called for the constructive participation of the tripartite partners for the cause of Labour Welfare. The conference took a resolution to work collectively and collaboratively to realize the vision of Dr. B. R. Ambedkar for labour welfare.





*Conference to commemorate the 125th Anniversary Year of Bharat Ratna Babasaheb Dr. B.R. Ambedkar on 06.12.2015 at Vigyan Bhawan, New Delhi*

## Industrial Relations

**1.31** Maintenance of harmonious industrial relations remains an avowed objective of Ministry of Labour & Employment. Due to constant endeavor of the Industrial Relations Machineries of both the Centre and the States, the overall Industrial relations climate has generally remained peaceful and cordial. While the number of incidences of strikes and lockouts reported during 2010 were 371, these figures stood at 104 (Provisional) upto September, 2015 and exhibited a declining trend over this period. Similarly, the figures for mandays lost were 23.13 million in 2010 and 1.66 million (Provisional) upto September, 2015.

**1.32** As regards the spatial / Industry wise dispersion of the incidences of strikes and lockouts, there exist wide spread variation among different States/UTs. Wage & Allowance, Bonus, personnel, retrenchment, Indiscipline & Violence and Others were major reasons for these strikes and lockouts.

**1.33** Twenty two Industrial Tribunal-cum-Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of

industrial disputes in organizations for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh (two courts each) and one each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneswar, Ahmedabad, Ernakulam, Asansol and Guwahati. Further, the two Industrial Tribunals at Mumbai and Kolkata also function as National Tribunals.

**1.34** In order to reduce pendency of cases Lok Adalats are being organized by the CGIT-cum-Labour Courts as an Alternate Grievance Redressal System. During the period from April, 2015 to December, 2015 eleven (11) Lok Adalats were held wherein ninety-four (94) cases were settled. The process of Lok Adalat provides a platform for settlement of Industrial disputes through mutual consent and agreement between the litigant parties and depends on their willingness. Therefore, organization of Lok Adalats and number of cases settled therein varies accordingly.



## Vulnerable Sections

### Child Labour

**1.35** Elimination of child labour is an area of great concern and Government of India is committed to address the issue. Considering the magnitude and nature of the problem, government is following a robust multi-pronged strategy to tackle the problem of child labour. It comprises of statutory and legislative measures, rescue and rehabilitation, universal elementary education along with social protection & poverty alleviation and employment generation schemes. The objective is to create an environment where families are not compelled to send their children to work. Government has adopted an approach to withdraw and rehabilitate working children, beginning with those working in certain prohibited occupations and processes.

### Policy on Child Labour

**1.36** The National Policy on Child Labour declared in August, 1987, addresses the complex issue of child labour in a comprehensive, holistic and integrated manner. The Action Plan under this policy is multi-pronged and mainly consists of:

- Legislative action plan
- Project based action in areas of high concentration of Child Labour
- Focus on general development programmes for the benefit of the families of Child Labour

#### (a) Legislative Action Plan

Under the Legislative Action Plan, the Child Labour (Prohibition & Regulation) Act, was enacted in 1986. The Act prohibits employment of children below the age of 14 years in 18 occupations and 65 processes and regulates the conditions of employment of children in all occupations and processes not prohibited under the Act.

#### (b) Project Based Action Plan in the areas of high concentration of child labour

**1.37** In pursuance of National Child Labour Policy, the National Child Labour Project (NCLP) Scheme was started in 1988 to rehabilitate children rescued from child labour. It is an ongoing Central Sector Scheme. Under the Scheme, working children are identified through child labour survey, withdrawn from work and put into the special training centres so as to provide them with an environment to subsequently join mainstream education system. In these Special Training Centres, besides formal education, the children are provided stipend, supplementary nutrition, vocational training and regular health check-ups. In addition, efforts are also made to target the families of these children so as to cover them under various developmental and income/employment generating programmes of the Government to raise the economic standard of the family. Further, under the Scheme the Ministry funds awareness generation campaigns against the evils of child labour and enforcement of child labour laws through electronic and print media.

### Present Status of NCLP Scheme

**1.38** The National Child Labour Project Scheme was initially launched in 12 child labour endemic districts in 1988. At present NCLP Scheme is sanctioned in 270 districts in the country. As on date about 2860 special training centres are in operation with enrolment of approximately 1.30 lakh children under NCLP scheme. As on date more than 11.77 lakh children have been mainstreamed into the formal education system under the scheme.

**1.39** As poverty is the primary cause of such a social evil, the educational rehabilitation of such children is further complemented by the economic rehabilitation of the families of child labour through the convergence approach so that the children and their families are covered under the benefits of the schemes of various Ministries/Departments of the Government of India.



## **Re-alignment of NCLP Scheme with Right to Education (RTE) Act, 2009**

**1.40** With the enactment of Right to Education Act, 2009, there was a need for realignment of the NCLP Scheme with the provisions of RTE Act, 2009. Ministry of Human Resource Development vide their letter No. 10-4/2009-EE.4 dated 02.07.2010 intimated that the NCLP Schools can serve as Special Training Centers for un-enrolled and out of school children in accordance with the provisions of Section 4 of the RTE Act and Rule 5 of the Right of Children for free and compulsory education (RTE) Rules, 2010.

**1.41** Government is also laying lot of stress on the enforcement of the Child Labour (Prohibition & Regulation) Act. To make the provision of the Act more stringent a comprehensive amendment in the Child Labour (Prohibition & Regulation) Act, 1986 has been proposed and Amendment Bill in this regard is with Rajya Sabha. The Bill inter-alia cover complete prohibition of employment of children upto the age of 14 years; linking the age of the prohibition on employment with the age for free and compulsory education under Right to Education Act, 2009; prohibition on employment of adolescent (completed 14th year of age but has not completed 18th year) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act.

**1.42** A complaint Committee on Sexual harassment at workplace to deal with the complaints of sexual harassment of women employees of Ministry of Labour & Employment and its attached offices has been reconstituted.

## **Bonded Labour**

### **Sponsored Plan Scheme for Rehabilitation of Bonded Labour**

**1.43** With a view to supplementing the efforts of the State Governments; a Centrally Sponsored

Plan Scheme for rehabilitation of bonded labour was launched by this Ministry in May, 1978. Under the Scheme, State Governments are provided Central assistance on matching grants (50:50) basis for the rehabilitation of bonded labour. The said Plan Scheme has been drastically modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour, awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/- per identified bonded labour to Rs.20,000/-per identified bonded labour. Further, in the case of North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution. A sum of 8404.22 Lakh has been released under the scheme to the State Governments upto 30.09.2015 for rehabilitations of 2,82,429 bonded labourers.

## **Wages and Bonus**

### **The Minimum Wages Act, 1948**

**1.44** The Minimum Wages Act, 1948 was enacted to safeguard the interests of the workers mostly in the unorganised sector. Under the provision of the Act, both the Central Government and State Governments are the appropriate governments to fix, revise, review and enforce the payment of minimum wages to workers in respect of scheduled employments under their respective jurisdictions. There are 45 scheduled employments in the Central Sphere and as many as 1697 in the State Sphere. The enforcement of the Minimum Wages Act, 1948 is ensured at two levels. While in the Central Sphere, the enforcement is done through the Inspecting officers of the Chief Labour Commissioner (Central) commonly designated as Central Industrial Relations Machinery (CIRM), the compliance in the State Sphere is ensured through the State Enforcement Machinery.

**1.45** In order to protect the minimum wages against inflation, the Central Government has



introduced Variable Dearness Allowance (VDA) linked to Consumer Price Index. As regards Stats/UT Administrations, 26 of them have made VDA as a component of minimum wages. Both Central and State Governments are revising the minimum wages in respect of these scheduled employments from time to time. In the Central sphere, the rates were last revised w.e.f. 01.10.2015.

**1.46** In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, a concept of National Floor Level Minimum Wage (NFLMW) was mooted on the basis of the recommendations of the National Commission on Rural Labour (NCRL) in 1991. NFLMW was revised from time to time. The Central Government has revised the NFLMW from Rs. 137/- to Rs.160/- per day with effect from 01.07.2015. It, however, needs to be noted that the National Floor Level Minimum Wage, is a Non-statutory measure.

### **The Payment of Wages Act, 1936**

**1.47** The Payment of Wages Act, 1936 ensures timely payment of wages and that no unauthorized deductions are made from the wages of the workers. In exercise of the powers conferred by sub-section (6) of Section 1 of the Act, the Central Government, on the basis of figures of the Consumer Expenditure Survey published by National Sample Survey Office, has enhanced the wage ceiling from Rs. 10,000/- to Rs. 18,000/- per month w.e.f.11.09.2012.

### **The Payment of Bonus Act, 1965**

**1.48** The Payment of Bonus Act, 1965 has been amended to revise the statutory eligibility limit under Section 2(13) from Rs.10,000/- per month to Rs. 21,000/- per month and the calculation ceiling under Section 12 from Rs.3,500/- to Rs.7,000/- or the minimum wage for the scheduled employment, as fixed by the appropriate Government, whichever

is higher. The changes in the Payment of Bonus Act, 1965 are effective retrospectively from 01.04.2014. The Payment of Bonus (Amendment) Act, 2015 (No. 6 of 2016) has been notified in the Gazette of India on 01.01.2016.

### **Occupational Safety and Health (OSH)**

**1.49** The provisions on Occupational Safety & Health (OSH) of workers as provided for in the Constitution of India are being implemented through the offices of Directorate General of Mines Safety (DGMS) and the Directorate General of Factory Advice Service & Labour Institutes (DGFASLI).

The DGMS enforces the safety and health provisions for the workers in the mining industry through its Inspectors appointed under the Mines Act, 1952. The DGFASLI, through its Inspectorate of Dock Safety enforces safety provisions in the Docks and also acts as the coordinating Agency at the national level for the Inspectorate of Factories functioning under different State Governments.

**1.50** Some of the important events/initiatives in the area of OSH are:-

- (i) Every year, Ministry of Labour & Employment distributes awards viz. Prime Minister's Shram Awards, National Safety Awards & Vishwakarma Rashtriya Puraskar and National Safety Awards (Mines) to workers.
- (ii) The Prime Minister's Shram Awards are given to the workers employed in Department/Public Sector Undertakings of the Central and State Governments and the manufacturing units employing 500 or more workers in the private sector in recognition of their performance, devotion to duty etc. The Prime Minister's Shram Awards for the year 2014 has been finalized. The nominations for Prime Minister's Shram Awards for the year 2015 is in the initial stage of processing.



(iii) The Vishwakarma Rashtriya Puraskars (VRP) are given to individual workers or group of workers for their outstanding suggestions leading to improvement in productivity, safety and health as well as the import substitution resulting in the savings of foreign currency. The National Safety Awards (NSA) are given in recognition of good safety performance on the part of the industrial establishments covered under the Factories Act, 1948, the employers covered under the Dock Workers (Safety, Health and Welfare) Act, 1986 and Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Shri Bandaru Dattatreya, Minister of State (Independent Charge) for Labour & Employment gave away the NSA & VRP awards for the performance year 2013 in a function on 17.09.2015 at New Delhi.

(iv) The National Safety Award (Mines) are given at the national level in recognition of outstanding safety performance in mines covered under the Mines Act, 1952. The National Safety Awards (Mines) for the year, 2011 & 2012 were distributed on 20.03.2015 by Hon'ble President of India. The applications for National Safety' Awards (Mines) for the year 2013-14 are under process.

## Plan Outlay

**1.51** The Ministry implemented a few Plan Schemes for the Welfare and Development of Labour during the Twelfth Five Year Plan. Emphasis of these programmes is on Elimination of Child Labour, Abolition and Rehabilitation Bonded Labourers and Health Insurance. The important schemes are Social Security for Unorganized Workers and National Child Labour Project (NCLP).

The Planning Commission provided an outlay of Rs. 13,223 Crore for the Plan Schemes of the

Ministry of Labour & Employment during the Twelfth Five Year Plan (2012-17). The year-wise details of the Scheme Outlays and Expenditure are given in Table 15.1 of Chapter 15.

## 1.52 Research & Training

### (a) Central Board for Workers Education (CBWE)

- The Central Board for Workers Education (CBWE) established in 1958, is a tripartite society which implement the Workers Education Programmes at national, regional and unit/village level. The Board undertakes training programmes, which cover workers from organized, unorganized, rural and informal sectors.
- The main objective of the Board's training programmes is to create awareness among all sections of the working population. Supervisory and managerial cadres are also covered through Joint Education Programmes.
- With headquarters at Nagpur, the Board has a network of 50 Regional and 9 Sub Regional Directorates spread throughout the country. The six Zonal Directorates at Delhi, Guwahati, Kolkata, Chennai, Mumbai and Bhopal monitor the activities of the Regional Directorates of their respective zone.
- The Board has an apex level training institute – Indian Institute of Workers Education, Mumbai established in 1970 to conduct national level training programmes for the activists of Central Trade Union Organizations / Federations, Voluntary Organizations besides training programmes for Board's Officials.
- Since 1970 till 31st October, 2015, the Board has conducted 1185 programmes of



varied durations, IIVE at national level for 29024 participants. In the organized, unorganized and rural sector, the Board has in all conducted 455435 programmes of varied durations for 13564603 workers since inception till October, 2015.

- Besides, the Board has been generating awareness among the informal sector workers about various welfare schemes through its Labour Welfare and Development Programmes.
- The special programmes for the beneficiaries of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) are being introduced by CBWE from the financial year 2011-12. A provision under plan scheme has been made to undertake the activities under MGNREGA project. During April, 2015 to October, 2015, the Board has conducted 176 programmes for the 6790 workers in rural sector under MGNREGA scheme.

#### **(b) V.V. Giri National Labour Institute (VGNLI)**

- V.V. Giri National Labour Institute (VGNLI), an autonomous body of the Ministry of Labour and Employment, Government of India, set up in July 1974, has grown into a premier Institute of labour research and training. Since its inception, the Institute has endeavoured through its research, training, education and publications to reach out to diverse groups concerned with various aspects of labour in the organised and unorganised sectors. The focus of such endeavours is the concern to transfer academic insights and understanding for application to policy formulation and action, so as to ensure a just place for labour in an egalitarian and democratic society.

### **1.53 International Cooperation**

#### **(a) 104th Session of International Labour Conference of ILO and 324th Session of Governing Body of ILO**

India is the founder member of ILO and has actively contributing to evolution of global policy on labour welfare. The 104th Session of the International Labour Conference (ILC) of ILO and 324th Session of Governing Body was held during 31st May to 13th June, 2015 in Geneva. A high level Indian Tripartite Delegation led by Shri Bandaru Dattatreya, Hon'ble Minister of State (Independent Charge) for Labour & Employment attended the ILC. Besides officials from Ministry of Labour & Employment, the delegation included 9 representatives each from Workers (Central Trade Union Organizations) and Central Organization of employers' side in the ILC. The Conference was followed by 324th Session of the Governing Body meeting of ILO.

Various Ministers, Vice-Ministers and Deputy Ministers accredited for participation in this ILC. Heads of States and Governments with participants representing governments, employers and workers from the ILO Member States attended the conference.

#### **(b) G-20 labour and Employment Ministries' Meeting during 03-04 September, 2015 in Ankara, Turkey.**

An Indian delegation led by Shri Bandaru Dattatreya, Minister of State (Independent Charge) for Labour and Employment attended G-20 Labour and Employment Ministers' meeting on 3rd to 4th September, 2015 in Ankara, Turkey.

### **SWACHH BHARAT MISSION**

**1.54** The Ministry of Labour and Employment has been implementing Swachh Bharat Mission activities with all efforts to achieve the target set by



this Ministry in its annual action plan for implementation of Swachh Bharat Abhiyan started on 25.09.2014 pursuant to Prime Minister's call for nationwide "Swachh Bharat Campaign" and it is to be continued till 02.10.2019.

Various cleanliness activities are being undertaken on daily basis. A special drive on cleanliness was conducted during 22-26 June, 2015 which was extended upto 31.10.2015 pursuant to Cabinet Secretariat directions on the subject. During the drive various activities were undertaken to give a boost to the Swachh Bharat Abhiyan specially in the context of Government Offices.

**1.55** During the drive, officers were nominated floor wise for day-to-day monitoring of cleanliness in the building and outside premises. Besides a team under the chairmanship of nodal officer, DS (Adm) was constituted for overall implementation of drive during the drive period and thereafter. Posters were displayed at various places to raise awareness among the officers and staff during the drive period. The activity included:

- Continued personal monitoring of all cleanliness activities by the Joint Secretary level officers.
- Personal inspection by Secretary (L&E) on different occasions.
- Special drive for weeding out of old files / records in the sections.
- Removal of extra / broken furniture items and records from the Corridors.
- Proper cleaning of the Parking lot and open lawn / premises area for maintaining cleanliness and avoidance of accumulation of debris / malbathrere.
- Swachh Bharat logo / quotations are being displayed on official publications viz. Diary, Spiral Pads, File covers etc.

- Pruning and beautification of plants outside and inside the building premises are being done at regular intervals to give a clean and better look of the building.
- Regular cleaning of library and store room to maintain cleanliness and hygiene.

**1.56** Action Plans for the First year of campaign and for the remaining period upto 2019 have been drawn up. The activities are being followed as specified in the Action Plans.

**1.57** To strengthen the cause of achieving the objective of Swachh Bharat Mission and to improve the working environment office was opened on 11.04.2015 (Saturday- a holiday) for cleaning activities in general and removal of unused garbage heaps and obsolete items in particular.

**1.58** All the attached/subordinate and autonomous organizations of the Ministry are also carrying out the activities pursuant to Prime Minister's call for 'Swachh Bharat' as a mission mode.

### **The Right to Information Act, 2005**

**1.59** In order to achieve the objectives of Good Governance, it is necessary that the administration should be transparent, responsive, citizen-friendly and able to disseminate all the information to the public. Right to Information is a powerful tool to ensure all these qualities in the administration and, therefore, the Government enacted the Right to Information (RTI) Act, 2005, which has come into effect from 12.10.2005.

**1.60** In pursuance of the provisions contained in the Right to Information Act 2005, action has been taken for the implementation of the Act in various Public Authorities under the aegis of Ministry of Labour & Employment. It includes dissemination of information in public domain relating to the particulars of organization, its function and duties, the designation of CPIO and Appellate Authority



etc. The Ministry has also initiated suo-motu disclosure of information about various Labour Acts / Regulations, which were required to be made public for the use of citizens of this country, on the Ministry's website i.e. [www.labour.gov.in](http://www.labour.gov.in). Attached & Subordinate offices and Autonomous organisations of the Ministry have their own websites which are linked to the Ministry's website.

**1.61** The Ministry has also set up a Central RTI Cell, headed by a Nodal Officer where the RTI applications are received. During the year 2015-2016 (upto December, 2015), 3163 applications (Manually and Electronically) were received in Main Secretariat, Ministry of Labour & Employment.

Year	RTI Applications Received
2005-2006	37
2006-2007	399
2007-2008	606
2008-2009	733
2009-2010	832
2010-2011	1154
2011-2012	1537
2012-2013	1110
2013-2014	1386
2014-2015	4539
2015-2016 (as on 31.12.2015)	3163 (Manually and Electronically)

**1.62** During the period from April-December, 2015, 13 applicants for the year 2015-2016 have gone to Central Information Commission (CIC) in the form of second appeal, in which CIC has upheld the decision of Appellate Authority in almost all cases.

### Activities of Directorate General of Employment

**1.63** The Directorate of Training of DGE&T was transferred to the new Ministry of Skill Development & Entrepreneurship to focus all training and skilling

activities under the new ministry. The Directorate of Employment of DGE&T is responsible for the employment related activities in the Ministry of Labour & Employment.

**1.64** The Ministry is implementing the National Career Service (NCS) Project as detailed in para 1.13.

**1.65** 'Employment' being concurrent subject, both Central and State Governments share the responsibility. Laying down of policies, procedures, standards, norms, guidelines, are the responsibility of the Central Government whereas the administration of Employment Exchanges rests with the respective State Governments/Union Territories. Most of the States have Directorates of Employment located in the State capitals. In addition to these activities, DGE also runs training institutions to meet the training needs of specific target groups.

**1.66** Twenty four Coaching-cum-Guidance Centres (CGCs) for SC/STs have been set up in 24 States. Vocational Guidance and training in confidence-building is provided to SC/ST job seekers through these Centres. Besides, the facilities for practicing typing and shorthand are provided to SC/ST job seekers in 14 Coaching-cum-Guidance Centres. These Centres have also arranging Pre-Recruitment Training Programmes for SC/ST candidates to improve their employability through competitive examinations conducted by Staff Selection Commission and other Recruitment Boards for Group 'C' and equivalent posts. During 2015-2016, till September, 2015, 9747 candidates could make use of facilities provided at CGCs to practice typing and shorthand and 1174 candidates participated in the Pre- Recruitment Training Programme organized by CGCs.



## Box 1.1

## LIST OF CENTRAL ACTS

Sl.No.	Name of the Act
01.	The Employees State Insurance Act, 1948
02.	The Employees Provident Fund and Miscellaneous Provisions Act, 1952
03.	The Dock Workers (Safety, Health and Welfare) Act, 1986
04.	The Mines Act, 1952
05.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
06.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
07.	The Mica Mines Labour Welfare Fund Act, 1946
08.	The Beedi Workers Welfare Cess Act, 1976
09.	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10.	The Cine Workers Welfare (Cess) Act, 1981
11.	The Beedi Workers Welfare Fund Act, 1976
12.	The Cine Workers Welfare Fund Act, 1981
13.	The Child Labour (Prohibition and Regulation) Act, 1986
14.	The Building and Other Con structions Workers' (Regulation of Employment and Conditions of Service) Act, 1996
15.	The Contract Labour (Regulation and Abolition) Act, 1970
16.	The Equal Remuneration Act, 1976
17.	The Industrial Disputes Act, 1947
18.	The Industrial Employment (Standing Orders) Act, 1946
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979



<b>Sl.No.</b>	<b>Name of the Act</b>
<b>20.</b>	<b>The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988</b>
<b>21.</b>	<b>The Maternity Benefit Act, 1961</b>
<b>22.</b>	<b>The Minimum Wages Act, 1948</b>
<b>23.</b>	<b>The Payment of Bonus Act, 1965</b>
<b>24.</b>	<b>The Payment of Gratuity Act, 1972</b>
<b>25.</b>	<b>The Payment of Wages Act, 1936</b>
<b>26.</b>	<b>The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981</b>
<b>27.</b>	<b>The Building and Other Construction Workers Cess Act, 1996</b>
<b>28.</b>	<b>The Factories Act, 1948</b>
<b>29.</b>	<b>The Motor Transport Act, 1961</b>
<b>30.</b>	<b>The Personal Injuries (Compensation Insurance) Act, 1963</b>
<b>31.</b>	<b>The Personal Injuries (Emergency Provisions) Act, 1962</b>
<b>32.</b>	<b>The Plantations Labour Act, 1951</b>
<b>33.</b>	<b>The Sales Promotion Employees (Conditions of Service) Act, 1976</b>
<b>34.</b>	<b>The Trade Unions Act, 1926</b>
<b>35.</b>	<b>The Weekly Holidays Act, 1942</b>
<b>36.</b>	<b>The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955</b>
<b>37.</b>	<b>The Children's (Pledging of Labour) Act, 1938</b>
<b>38.</b>	<b>The Workmen's Compensation Act, 1923 (now renamed as the Employees Compensation Act, 1923)</b>
<b>39.</b>	<b>The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959</b>



<b>Sl. No.</b>	<b>Name of the Act</b>
<b>40.</b>	<b>The Bonded Labour System (Abolition) Act, 1976</b>
<b>41.</b>	<b>The Beedi and Cigar Workers (Conditions of Employment) Act, 1966</b>
<b>42.</b>	<b>The Employers Liability Act, 1938</b>
<b>43.</b>	<b>The Unorganized Workers Social Security Act, 2008</b>