

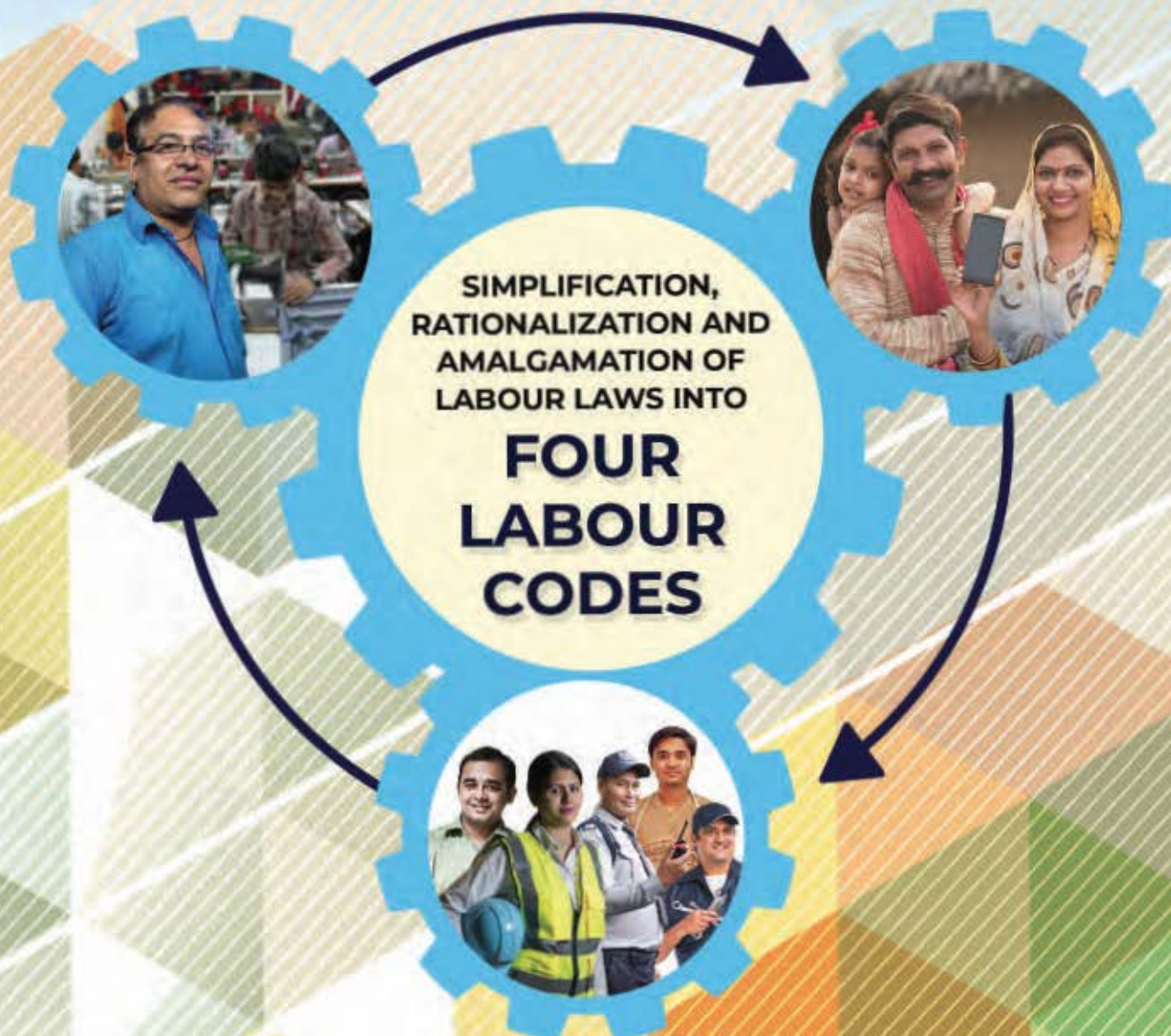


# ANNUAL REPORT 2019-20

Ministry of Labour and Employment  
Government of India

Ease of Doing Business

Ease of Living



Employment

श्रमेव जयते



# ANNUAL REPORT

## 2019-20

Ministry of Labour and Employment  
Government of India

Website: [www.labour.nic.in](http://www.labour.nic.in)



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## CHAPTER-1

# HIGHLIGHTS OF IMPORTANT ACTIVITIES

### INTRODUCTION

**1.1** Work is part of everyone's daily life and is crucial to one's dignity, well-being and development as a human being. Economic development means not only creation of jobs but also working conditions in which one can work in freedom, safety and dignity. The Ministry of Labour & Employment, one of the oldest and important Ministries of the Government of India, is functioning to ensure improving life and dignity of labour force of the country by protecting and safeguarding the interest of workers, promotion of their welfare and providing social security to the labour force both in Organized and Unorganized Sector by enactment and implementation of various Labour Laws, which regulate the terms and conditions of service and employment of workers. The State Governments are also competent to enact legislation, as labour is a subject in the Concurrent List under the Constitution of India.

**1.2** The Ministry of Labour and Employment has taken several initiatives, legislative as well as administrative, to provide decent working conditions and improved quality of life for workers, employment generation and simplification of Labour Laws for ease of doing business. The endeavour of the Ministry is to create a climate of trust that is essential for economic growth and development and for the dignity of the labour force of the country.

### New Initiatives / Important Activities

#### LEGISLATIVE INITIATIVES

#### LABOUR LAW REFORMS

**1.3** Labour Codes: As per the recommendations of the 2<sup>nd</sup> National Commission on Labour, Ministry

has taken steps for codification of existing Central labour laws into 4 Codes by simplifying, amalgamating and rationalizing the relevant provisions of the Central Labour laws.

**(I)** Labour Code on Wages: The Code on Wages, 2019 subsumes 4 existing Laws, viz. the Minimum Wages Act, 1948; the Payment of Wages Act, 1936; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976. It has been passed by both Houses of the Parliament and assented to by the Hon'ble President on 08.08.2019. Preliminary draft of Wages (Central) Rules under Section 67 of the Code on Wages, 2019 has been placed on website of the Ministry of Labour and Employment on 01.11.2019 for seeking comments/suggestions of all stakeholders.

**(II)** Labour Code on Occupational Safety, Health & Working Conditions: The Occupational Safety, Health & Working Conditions Code, 2019 subsumes thirteen Labour Acts, namely, The Factories Act, 1948; The Plantation Labour Act, 1951; The Mines Act, 1952; The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996; The Motor Transport Workers Act, 1961; The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; The Contract Labour (Regulation and Abolition) Act, 1970; The Sales Promotion Employees (Conditions of Service) Act, 1976; The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981; The Dock Workers (Safety, Health and Welfare) Act, 1986; The Working Journalists and Other Newspapers Employees (Conditions of

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Service) and Miscellaneous Provisions Act, 1955, and The Working Journalists (Fixation of rates of Wages) Act, 1958

The Occupational Safety Health & Working Conditions Code, 2019 has been introduced in the Lok Sabha on 23.07.2019 and has been referred to the Parliamentary Standing Committee on Labour for examination.

**(III) Labour Code on Industrial Relations:** The draft Labour Code on Industrial Relations subsumes 3 existing Laws, viz. The Trade Union Act, 1926; The Industrial Employment (Standing Orders) Act, 1946; The Industrial Disputes Act, 1947. The Industrial Relations Code has been introduced in the Lok Sabha on 28.11.2019 and referred to Standing Committee on 24.12.2019.

**(IV) Labour Code on Social Security:** The draft Code of Social Security subsumes the nine Labour Acts, namely, The Employees' Compensation Act, 1923; The Maternity Benefit Act, 1961; The Payment of Gratuity Act, 1972; The Unorganized Workers' Social Security Act, 2008; The Cine Workers Welfare Fund Act, 1981; The Building and Other Construction Workers Cess Act, 1996; The Employees' State Insurance Act, 1948; The Employees' Provident Funds and Miscellaneous Provisions Act, 1952., & The Employment Exchange (Compulsory Notification of vacancies) Act, 1959.

The Code on Social Security, 2019 has been introduced in the Lok Sabha on 11.12.2019 and referred to Standing Committee on 24.12.2019.

**THE MINIMUM WAGES ACT, 1948**

**1.4** 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 rate of minimum wages to workers in respect of scheduled

employments under their respective jurisdictions. The Government has notified increase in the basic rate of minimum wages for scheduled employments in the central sphere w.e.f. 19.01.2017.

**THE PAYMENT OF WAGES ACT, 1936**

**1.5** The Payment of Wages Act, 1936 ensures timely payment of wages in current coin or currency notes or by cheque or by crediting in the bank account of the workers and that no unauthorized deductions are made from the wages of the workers. 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. 18,000/- to Rs. 24,000/- per month w.e.f. 29.08.2017 for applicability of the Act.

**THE MATERNITY BENEFIT (AMENDMENT) ACT, 2017**

**1.6** The Maternity Benefit (Amendment) Act, 2017 notified on 27<sup>th</sup> March, 2017, aims to benefit the working women of the country. It envisages increased paid maternity leave from 12 weeks to 26 weeks for two surviving children and 12 weeks for more than two children. Under this amendment, 'Commissioning / Adopting Mothers' will get 12 weeks of paid maternity leave for the first time. This amendment also provides for 'work from home' facility. It provides for establishments having 50 or more employees to provide creche mandatorily.

**Pension Schemes –**

National Pension Scheme for Traders & Self-employed persons –

**1.7** After the success of the Pradhan Mantri Shram Yogi Maandhan Yojana (PM-SYM) launched (in March, 2019) for old age protection and social security of unorganized workers, Government has launched National Pension Scheme for Traders and Self Employed Persons

on 12.09.2019. The entry age for enrolment under the scheme is 18-40 years (Table.1). Traders and Self Employed Persons having 'annual turnover' not exceeding Rs.1 .5 crore and who are not a member of EPFO/ESIC/ Govt Contributed NPS / PM-SYM and also not an income tax payer are eligible to join the scheme. It is a voluntary and contributory pension scheme on 50:50 basis, where prescribed age-specific contribution shall be made by the beneficiary and there will be matching contribution by the Central Government as per the scheme guidelines. The beneficiary will get assured monthly pension of Rs. 3000/- per month on attaining the age of 60 years. The pension scheme provides old age social security and promotes inclusiveness among Traders and Self Employed Persons.

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

**1.8** The present Government has widened the scope of continuous engagement of consultations among the stakeholders for inclusive labour policy formulation at center and state level. The regional level conference of State Labour Ministers and State Labour Secretaries are being organized in different regions of the country with the objectives of exchange of ideas, sharing of best practices and for apprising Central Government's major initiatives in the areas of labour and employment. During 2019, the Ministry organized the following Regional Labour Conferences under the Chairmanship of Shri Santosh Kumar Gangwar, Minister of State (Independent Charge) for Labour and Employment, Government of India, covering the subjects such as pension schemes for unorganized sector, traders and self-employed persons; Labour reforms through codification of existing Central Labour Acts into 4 Codes, namely, the Code on Wages, the Occupational Safety, Health & Working Conditions Code, the Industrial Relations Code and Code on Social Security; extension of medical facilities through Employees State Insurance Corporation (ESIC); and

employment generation:

- (i) The Regional Labour Conference for Eastern Zone (consisting of States/UT viz. Odisha, Bihar, Chhattisgarh, Jharkhand, West Bengal and Andaman & Nicobar Islands) on 22nd October 2019 at Bhubaneswar, Odisha. The conference was attended by the Labour Ministers of the States of Odisha, Bihar, and Chhattisgarh in addition to senior officers of the States of Odisha, Bihar, Chhattisgarh, Jharkhand, West Bengal and UT of Andaman & Nicobar Islands.
- (ii) The Regional Labour Conference for Southern Zone (consisting of States/UT viz. Kerala, Karnataka, Andhra Pradesh, Telangana, Tamil Nadu, Puducherry (UT) and Lakshadweep (UT)) held on 18<sup>th</sup> December, 2019 at Cochin, Kerala. The Conference was attended by Hon'ble Minister of the states of Kerala, Telangana and Puducherry and senior officers of the States of Kerala, Karnataka, Andhra Pradesh, Telangana, Tamil Nadu and UTs of Puducherry and Lakshadweep.

#### **National Stakeholder Consultation on the Future of Work'**

**1.9** A one day 'National Stakeholder Consultation on the Future of Work' work jointly convened by M/o Labour and Employment, VVGnLI and ILO on 8<sup>th</sup> February, 2019 at Noida, VVGnLI to Celebrate ILO Centenary year.

### **GOVERNANCE REFORMS THROUGH TECHNOLOGY**

#### **Shram Suvidha Portal:**

**1.10** 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 Organizations under the Ministry of Labour, namely



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- Office of the Chief Labour Commissioner (Central),
- Directorate General of Mines Safety,
- Employees' Provident Fund Organization; and
- Employees' State Insurance Corporation.

**1.11** Main features of the Portal are as follows:

- Unique Labour Identification Number (LIN): LIN is allotted to units after the registration to facilitate online inspection & compliance.
- Online Return: Units are now required to file single self-certified and simplified annual return instead of filing separate returns as required earlier.
- Transparent Labour Inspection Scheme through computerized system on risk based criteria.

**1.12** Allotment of unique Labour Identification Number (LIN) to Units after registration to facilitate online inspection & compliance was started on the Portal with its launch on 16.10.2014 itself. Unique Labour Identification Number (LIN) has been allotted to 27,81,065 units as on 08.11.2019.

**1.13** Transparent Labour Inspection Scheme in Central Sphere was started on the Portal with its launch on 16.10.2014 itself. The main features of the inspection scheme are as follows:

- 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 are determined centrally by Central Analysis and Intelligence Units (CAIU) of each of the enforcement agencies after examination based on data and evidence.

- Mandatory uploading of inspection reports within 48 hours.
- Since the launch of the Labour Inspection Scheme, 5,24,189 inspection reports across the four Central Labour Enforcement Agencies have been uploaded on Shram Suvidha Portal.

**ONLINE RETURN**

**1.14** Unified Online Annual Returns have been made mandatory in respect of eight (8) Central Labour Acts, namely, the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Payment of Bonus Act, 1965, the Industrial Disputes Act, 1947, the Contract Labour (Regulation and Abolition) Act, 1970, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, and the Building and Other Construction Workers (Regulation of Employment and Condition of Service) (BOCW) Act, 1996. These Returns which were half yearly/annually earlier, now need to be filed by all employers annually only and are to be filed online. Since launch of the Online Annual Return on 24.04.2015, 1,08,711 online returns have been filed on the Shram Suvidha Portal as on 08.11.2019.

**1.15** Returns under Mines Act, 1952 (Coal Mines Regulations, Metallurgical Mines Regulations and Oil Mines Regulations )have been made online on Shram Suvidha Portal. As on 08.11.2019, 31,047 online returns have been filed on the Shram Suvidha Portal.

**1.16** Common Online Annual Return in respect of Haryana Labour Department has also been started on the portal. As on 08.11.2019, 2748 returns have been filed on Shram Suvidha Portal.

**1.17** Unified monthly Electronic Challan-cum-Return (ECR) for EPFO and ESIC has been made operational.

### Common Registration:

**1.18** Common Registration form for EPFO and ESIC has been made operational. As on 08.11.2019, 1,27,544 units have been registered with EPFO & 1,07,681 units have been registered with ESIC.

**1.19** Common Registration under three Central Acts namely the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, the Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 is being provided online on Shram Suvidha Portal. 6052 registrations have been issued using this facility as on 08.11.2019.

**1.20** Licenses under two Central Acts, namely, the, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Contract Labour (Regulation and Abolition) Act, 1970 have been made online. 20,316 licenses have been issued using this facility as on 08.11.2019.

### State Integration

**1.21** Integration of States with Shram Suvidha Portal is under way. As on date, Haryana, Gujarat, Rajasthan, Uttar Pradesh, Madhya Pradesh, Maharashtra, Punjab, Uttarakhand and Delhi are being integrated with the Portal. Data is being shared and LIN is being allotted to the establishments covered by the state labour enforcement agencies.

### Start Up India

**1.22** Facility for exemption from Labour Inspections under six (6) Central Labour Acts is being provided to the Start-ups which submit self certified declarations through Shram Suvidha Portal.

State/UT Governments have been advised to regulate the inspections for the Start-Ups,

wherever applicable and extend the self-certification compliance regime from 3 years to 5 years. 27 States/UTs have taken action on the advisory dated 12.01.2016 /06.04.2017 issued by this Ministry for self-certification and to regulate inspection under the four (4) labour laws viz. the Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, the Payment of Gratuity Act, 1972 and the Contract Labour (Regulation and Abolition) Act, 1970 for the start-ups wherever applicable.

### Software Application for Monitoring And Disposal, Handling of Apprehended/Existing Industrial Dispute(SAMADHAN) Portal:

**1.23** SAMADHAN (Software Application for Monitoring And Disposal, Handling of Apprehended/Existing Industrial Dispute) is an online portal devised to introduce the workers to an easy way of filing their dispute with the appropriate Conciliation Officer, encouraging transparency, speedy justice and trust by workers on the governance of the Government. The system is so designed that it would integrate all the role players (viz. Workman, Conciliation officer, Appropriate Government, and CGITs) in the dispute under one roof i.e. on SAMADHAN. (For more details please refer Chapter-3).

### Employment Generation

#### Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)

**1.24** The Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) Scheme was launched on 9<sup>th</sup> August, 2016 to incentivise employers for generation of new employment, where Government of India was paying the full employer's contribution of 12% or as applicable towards EPF& EPS both w.e.f 01.04.2018 for new employment. This scheme had dual benefit,

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where, on the one hand, the employer is incentivised for increasing the employment base of workers in the establishment, and on the other hand, these workers will have access to social security benefits of the organized sector. The scheme is being implemented through EPFO. For more details please refer to Chapter 23.

PMRPY STATISTICS (as on 16.12.2019)

Number of Establishments Registered	185022
Number of Employees Registered	13791049
Total Establishments benefitted	152849
Total Employees benefitted	12167940
Total Amount Disbursed (Rs.)	7101.56 Crore

**National Career Service**

**1.25** 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 counselling, vocational guidance, information on skill development courses, apprenticeship, internships etc. The NCS Portal ([www.ncs.gov.in](http://www.ncs.gov.in)) was dedicated to the Nation by Hon'ble Prime Minister of India on 20.07.2015. For more details please refer chapter 23.

**EMPLOYEES STATE INSURANCE CORPORATION (ESIC):****New Initiatives**

**1.26 Reduction of the rate of contribution under the ESI Act :** The rate of contribution under employees State Insurance Scheme has been reduced from 6.5% to 4% with effect from 01.07.2019. The Employers' share of contribution has come down from 4.75% to 3.25% and for Employees' share from 1.75 to 0.75%. This reduction would benefit 3.6 crore employees and 12,85 lakh employers. The reduced rate of contribution will bring about a substantial relief to workers and will bring more and more workforce

into the formal sector.

**1.27 Following are the initiative taken by ESI Corporation for improving function of ESIC Hospitals & Dispensaries: -**

- To set up new hospitals and dispensaries as per proposal sent by states.
- To promote AYUSH services and formulating standards guidelines for facilities at different levels. To develop facilities based on their known strength in personalized medicine, prevention and treatment of non-communicable, degenerative and autoimmune disorders, therapies for rejuvenation and geriatric care.
- All hospitals of ESIC/ESIS using VIBGYOR pattern day-wise, the colored bed sheets to maintain cleanliness and better hygiene.
- Medical helpline facilities 24X7 through which Insured Person can directly talk to Doctors in case of any emergency.
- Behavioural training to para-medical and other staff of the hospitals guiding them to provide due courtesy in dealing with the patients/attendants.
- Facility for Reception and 'May I Help You' in each hospital to guide the patients/attendants.
- Signage at the required places in all ESIC hospitals for guidance and proper communications to the patients and beneficiaries.
- To provide facilities of Yoga in all ESIC hospitals.
- Special OPD in the afternoon from 3:00 PM to 5:00 PM for Senior Citizens and differently-abled patients.
- Feed-back system for all indoor patients.

### 1.28 Following steps have been taken to improve services in state run ESIS Hospitals and Dispensaries:

- With a view to improve the functioning of State Govt. run ESIS hospitals and dispensaries, ESIC has asked state ESI scheme to implement ESIC 2.0 reform measures and prescribed certain minimum facilities/ parameters to be maintained in ESIS health establishments viz:
- Availability of doctors and para-medical staff as per sanctioned strength
- Availability of minimum number of medicines.
- Pathological and X-ray services in house in all Hospitals.
- Monitoring of general cleanliness and up keep of dispensary/hospital, bio-metric attendance and change of hospital bed sheets as per VIBGYOR mission.
- Formation of Subsidiary Corporation at State level so that all decision can be taken at the State level Corporation.

### 1.29 Upgrading Infrastructure:

For upgrading its Infrastructure ESIC has given in-principle approval for setting-up of new ESI Hospital.

#### List of New ESI Hospitals Sanctioned

Sl. No.	State	Location
1.	Gujarat	Alang
2.	Madhya Pradesh	Pithampur
3.	Jharkhand	Deoghar
4.	Goa	North Goa
5.	Chhatisgarh	Bhillai
6.	Chhattisgarh	Raigarh
7.	Odisha	ESIC SS hospital, Bhubaneswar

8.	Odisha	Angul
9.	Odisha	Duburi
10.	Rajasthan	Bikaner
11.	Rajasthan	Chittorgarh
12.	Karnataka	Doddabalapur
13.	Karnataka	Bommsandra
14.	Karnataka	Shivamoga
15.	Karnataka	Narsapura
16.	Karnataka	Haroholli
17.	Karnataka	Bellary
18.	Haryana	Bahadurgarh
19.	Haryana	Bawal
20.	West Bengal	Siliguri
21.	West Bengal	Haldia
22.	Telangana	Ramagundam
23.	Andhra Pradesh	Guntur
24.	Andhra Pradesh	Vizianagaram
25.	Andhra Pradesh	Kakinada
26.	Andhra Pradesh	Penukonda
27.	Andhra Pradesh	Vishakhapatnam
28.	Andhra Pradesh	Sri City, Nellore
29.	Kerala	Perambavoor
30.	Tamil Nadu	Tirupur
31.	Tamil Nadu	Sriperumbudur
32.	Tamil Nadu	Dindigul
33.	Tamil Nadu	Vaniyamvadi
34.	Tamil Nadu	Tuticorin
35.	Tamil Nadu	Kanyakumari
36.	Uttarakhand	Dehradun
37.	Uttarakhand	Sidkul area Haridwar
38.	Delhi	Narela
39.	Himachal Pradesh	Kala Amb

**1.30** State ESI Society has been operationalised in Chhattisgarh, Maharashtra and Tripura are being released directly to respective Society account from 2019-20 onwards.

*Ministry of Labour & Employment***1.31** New Initiatives under health Reforms Agenda ESIC 2.0

A) As per its 2<sup>nd</sup> Generation Reforms ESIC 2.0, the ESI Corporation has decided to implement the ESI Scheme all over India. Accordingly, the ESI Scheme has already been implemented in 566 Districts which includes entire area of 381 districts and partially in 185 districts.

**B) Extending Coverage of Social Security Net of ESI Scheme (under ESIC 2.0)**

1. As part of extending the social security benefits of ESI Scheme in the entire country, the scheme has been notified in all States and Union Territories except Arunachal Pradesh & Lakshadweep Islands.

2. Under Vision-2022, it is proposed to extend the coverage of ESI Scheme to entire nation by 2022.

3. The number of Insured Persons covered under the ESI Scheme on 31.03.2019 has increased to 3.49 crores. The number of beneficiaries covered under Scheme has gone up to 13.56 crores.

**EMPLOYEES' PROVIDENT FUND ORGANISATION (EPFO):**

**1.32** The Employees' Provident Fund 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 Government of India through the Employees' Provident Fund Organization (EPFO) administers the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and the following three Schemes framed under the Act:-

(i) The Employees' Provident Funds Scheme, 1952 (EPF)

(ii) The Employees' Pension Scheme, 1995 (EPS)

(iii) The Employees' Deposit Linked Insurance Scheme, 1976 (EDLI)

**1.33** During the financial year 2018-19 EPFO has undertaken following new initiatives:

- (i) Claim Receipt Entry at District Offices:
- (ii) Online filing of International Workers Return:
- (iii) Auto approval of Digital Life Certificates:
- (iv) Delinking of wrong Aadhar in PPO:
- (v) Auto processing of Back Period accounts:
- (vi) Document upload facility for correction in DOB:

**1.34 Directorate General of Mines Safety (DGMS) – New initiative**

- The modalities for "Risk-based Inspection System" for coal mines have been developed. The inspections are generated for online assignment through shram suvidha portal prioritizing on the actual risk rating of the coal mines of all categories. The software for the purpose has been developed by NIC and implemented by incorporating it in Shram Suvidha Portal. Risk-based inspection system for metalliferous mines is under progress.
- The Mines Act, 1952, restricted the employment of women in underground mines and also in opencast or aboveground workings of the mine during night hours between 7PM and 6AM. Ministry of Labour & Employment has taken a decision in line with the recommendations of the Section 12 Committee set up under Mines Act, 1952 and in consultation with Ministry of Home Affairs, Ministry of Women and Child Development, Ministry of Mines, Ministry of Coal and Ministry of Petroleum and Natural Gas, vide Gazette Notification No. SO 506(E) published on



29.01.2019 as extraordinary part-II, section-3, sub-section (ii), allow the employment of women in aboveground mines including opencast workings between 7PM to 6AM to all categories of employees and in belowground working between 6 AM to 7 PM in technical, supervisory and managerial work where continuous presence may not be required subject to the provision of adequate facilities and safeguards regarding their occupational safety, security and health.

- Directorate General of Mines Safety (DGMS), Ministry of Labour & Employment, Government of India and the Department of Natural Resources Mines and Energy, Queensland Government, Australia, through the Safety in Mines, Testing and Research Station (Simtars) have signed Memorandum of Understanding (MoU) for Sharing and dissemination of information on occupational safety and health, technological advancements and best practices. The implementation programme is under formulation.
- Around 7600 new mines have been included in the database of registered mines at Head office, since 2017. It is an increase of around 100% of the old database before 2017.
- Fresh initiatives have been undertaken by DGMS to make the mine workers more aware about the dangers of airborne dust diseases and how to prevent such diseases by suppressing the dust at its source using wet drilling and dust extraction and preventing devices, use of dust masks and other personal protective equipments. Directorate General of Mines Safety has organized 265 Awareness camps in 15 states in the Year 2017 and 2018 to bring awareness among the mine owners and mine workers regarding Silicosis.

## 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 from all occupations and processes. **(Details may be seen in Chapter-12).**

## PLANNING DIVISION

**1.36** Planning Unit is an integral part of Ministry and plays a vital role for output-outcome monitoring of all schemes of Ministry of Labour and Employment under different components of Budget. This unit is mainly responsible for coordinating the information/material including work related to schemes of MoLE with NITI Aayog, M/o Tribal Affairs, M/o Social Justice and Empowerment and M/o Development of North Eastern Region. It also deals with Fifteen-Year Vision Document (2030), Seven-Year Strategy Document and Three-Year Action Plan of the Schemes of Ministry. Also, this Unit Prepares the Economic Survey material for MoLE and comments on EFC/SFC of different Ministries and economic matters received from different institutions. The Unit is also a Nodal Unit of Output Outcome Monitoring Framework (OOMF) of NITI Aayog, Allocation for Welfare of Scheduled Caste (AWSC), Monitoring of Scheduled Tribe Component (STC), Monitoring of expenditure of North Eastern Region(NER) component and Deputation of Nodal/Area Officers (DS/Director/

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JS level) to various States/UTs to the offices of EPFO, ESIC, NCS and DGFASLI. Planning Unit is headed by Principal Labour and Employment Advisor (PLEA) in the Ministry.

**1.37** The M/o Finance provided an allocation of Rs. 10803.00Crore for the Central Sector Schemes/Centrally Sponsored Schemes of the Ministry of Labour & Employment during the Financial Year 2019-20. Also this Ministry has earmarked Rs. 1793.30 Crore (16.6% of total allocation) for Allocation for Welfare of Scheduled Caste (AWSC) and Rs. 929.06 Crore (8.6% of total allocation) for allocation under Scheduled Tribe Component (STC) during the current fiscal for Central Sector/Centrally Sponsored Schemes.

### **SWACHH BHARAT MISSION**

**1.38** The Ministry of Labour and Employment is implementing the Swachh Bharat Mission to achieve the target set by this Ministry in its annual action plan since its launch.

**1.39** The Ministry celebrated International Labour Day on 1<sup>st</sup> May, 2019, by way of initiating a cleanliness drive in the first fortnight of May, 2019 (1<sup>st</sup>-15<sup>th</sup> May) in all ESIC hospitals, dispensaries, factories, manufacturing premises.

**1.40** Cleanliness drive was carried out during the Swachhata pakhwadas during 1<sup>st</sup> to 15<sup>th</sup> May 2019 in the Main Ministry as well as all attached/surbordinate offices during the year.

**1.41** An intensive cleanliness drive was carried out in Shram Shakti Bhawan and Jaisalmer House. Officers are nominated floor wise for day-to-day monitoring of cleanliness and Deputy Secretary (Adm) and US (Adm.) were the nodal officers for overall implementation of the drive.(page 217-218/corr)



*Inspection by Additional Secretary (L&E).*



*Cleanliness drive during Swachhata Pakhwada*

The activities included:

- Personal monitoring of all cleanliness activities by the Secretary (L&E).
- 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/malba.
- Pruning and beautification of outdoor and indoor plants are being done at regular intervals to give a clean and better look of the building.



- Regular cleaning of departmental Canteen, library and store room to maintain cleanliness and hygiene.
- Prohibition of unnecessary pasting/ sticking of notices on the walls.
- Buildings are made completely covered under CCTV surveillance system. Notices are displayed to prohibit spitting, loitering etc.



*CCTV surveillance control room*

**1.42** On the occasion of 150<sup>th</sup> birth anniversary celebration to remind the philosophy of Mahatma Gandhi on the aspects of cleanliness of work places/hospitals/mines/factories, rights of women and children, civil liberties of small and disadvantaged groups in unorganised sectors including their health and well being etc. Action plan of various activities from July 2019- October 2020 for this Ministry and all attached offices have been drawn and being implemented.(page 219-220/corr.)

**1.43** All 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.

**1.44** A special team has been constituted for promoting safety and ensuring proper cleanliness during Swachhata Pakhwada in all Mines under the control of Director General of Mines. (page 210-212/corr.)

**1.45** In pursuant to Hon'ble Prime Minister's call, this Ministry has banned usage of single use

plastic water bottles and other single use plastic items in all the office of Ministry of Labour & Employment.



**1.46** Campaign for Swachhata and Plastic Waste Management by way of organizing lectures/ workshops/ camps /advertisement for sensitizing officials and workers of organized and unorganized sectors has been done in all attached offices of Ministry of Labour & Employment.

**1.47** The Ministry celebrated 5<sup>th</sup> International Day of Yoga (IDY), 2019 on 21<sup>st</sup> June, 2019 and a lecture-cum-workshop on Yoga was also held on 21.06.2019 in Main Committee Room, Shram Shakti Bhawan, New Delhi.



### **GRIEVANCE REDRESSAL IN MAIN SECRETARIAT**

**1.48** Grievance Redressal Mechanism is part and parcel of the machinery of any administration. The public grievances are received in the Ministry mainly in two modes, viz. online through the **CENTRALISED PUBLIC GRIEVANCE**

*Ministry of Labour & Employment*

**REDRESS AND MONITORING SYSTEM (CPGRAMS)** portal (<https://pgportal.gov.in>) and also in off-line (physical) form from various sources. Of late, many aggrieved persons/parties are also raising their grievances to the Ministry through e-mail and Social Media. The Ministry of Labour and Employment is one of the top 20 Ministries which receive largest number of grievances.

**1.49** The work of Public Grievance redressal is given high importance by this Ministry and it is regularly reviewed at highest level of Secretary (L&E). Majority of the grievances received in this Ministry are related to the Employees Provident Fund Organisation (EPFO), Chief Labour Commissioner(Central) Organisation (CLC(C)), the Employees State Insurance Corporation (ESIC) and the Directorate General of Employment (DGE). While the Ministry gives due importance to grievances received through all sources/medium, the online Public Grievances received in the Ministry on the CPGRAMS portal are being closely monitored and due to the regular and close monitoring at all levels, most of these grievances are presently being disposed of by various units, organisations and offices of the Ministry within 30 days.

**1.50** Comparative figures of Public Grievances received and disposed of in the CPGRAMS portal by the Ministry of Labour and Employment and percentage of disposal of such Grievances during the period from 01.01.2016 to 31.10.2019 (year wise) are given in detail in Chapter No. 20.

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

**1.51** 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.

**1.52** 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 organisation, 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). It is also to be mentioned that Attached & Subordinate offices and Autonomous organisations of the Ministry have their own websites which are linked to the Ministry's website.

**1.53** The Ministry has also set up a Central RTI Cell, headed by a Nodal Officer, where the RTI applications from the citizens are received. During last 10 years, including year 2019-2020(Up to October, 2019), applications (Manually and Electronically) received in Main Secretariat, Ministry of Labour & Employment are as under:

S. No	Years	RTI Applications Received (Manually and Electronically)
1	2010-2011	1154
2	2011-2012	1537
3	2012-2013	1110
4	2013-2014	1386
5	2014-2015	4539
6	2015-2016	4275
7	2016-2017	4801
8	2017-2018	4529
9	2018-2019	4743
10	2019-2020 (as on 31.10.2019)	2977

**1.54** During the year from 1<sup>st</sup> April 2019 to 31<sup>st</sup> October, 2019, 02 applicant for the year 2019-20 have gone to Central Information Commission (CIC) in the form of 2<sup>nd</sup> Appeal, in which CIC has upheld the decision of Appellate Authority.

**1.55** The Ministry has also organized a workshop on RTI on 20<sup>th</sup> September, 2019 more than 40 officials had attended the workshop.

#### Legal Cell

**1.56** Legal Information Management & Briefing

System (LIMBS) was introduced by the Department of Legal Affairs with an aim to digitalize the entire process of Court cases. Legal Cell of the Ministry has strived to ensure that LIMBS is implemented by all organizations under the Ministry. Ministry of Labour & Employment is one of the front runners in implementing LIMBS by uploading information of almost all court cases (around 66917 court cases till 11<sup>th</sup> November, 2019) on LIMBS portal.

**Table.1**  
**Entry age specific monthly contribution: National Pension Scheme for Traders & Self-employed persons**

Entry Age (Yrs) (A)	Superannuation Age (B)	Member's Monthly Contribution(Rs) (C)	Central Govt's Monthly contribution(Rs) (D)	Total monthly Contribution (Rs)(Total = C + D)
18	60	55	55	110
19	60	58	58	116
20	60	61	61	122
21	60	64	64	128
22	60	68	68	136
23	60	72	72	144
24	60	76	76	152
25	60	80	80	160
26	60	85	85	170
27	60	90	90	180
28	60	95	95	190
29	60	100	100	200
30	60	105	105	210
31	60	110	110	220
32	60	120	120	240
33	60	130	130	260
34	60	140	140	280
35	60	150	150	300
36	60	160	160	320
37	60	170	170	340
38	60	180	180	360
39	60	190	190	380
40	60	200	200	400



## CHAPTER – 2

# ORGANISATIONAL STRUCTURE & FUNCTIONS

### LABOUR JURISDICTION

**2.1** Under the Constitution of India, Labour as a subject is in the Concurrent List and, therefore, both the Central and the State governments are competent to enact legislation subject to certain matters being reserved for the Centre. **(Box 2.1)**

Box 2.1	
ALLOCATION OF SUBJECTS	
<b>Union List</b> Entry No. 55-Regulation of labour and safety in mines and oil fields.	<b>Concurrent List</b> Entry No.22- Trade Union; industrial and Labour disputes.
Entry No. 61-Industrial disputes concerning Union employees.	Entry No. 23 - Social security and social insurance; employment and unemployment.
Entry No. 65 –Union agencies and institutions for “vocational training”.	Entry No. 24- Welfare of labour including conditions of work, provident funds, employers’ liability, workmen’s compensation, invalidity and old age pensions and maternity benefit.

### Vision, Mission and Objectives of the Ministry of Labour and Employment

#### Vision

**2.2** Decent working conditions and improved quality of life for workers, ensuring India without Child Labour and enhancing employability on a sustainable basis.

### Mission

**2.3** Formulating and implementing Policies/ Programmes/Schemes/Projects for providing Social Security and Welfare, regulating Conditions of Work, Occupational Health and Safety of Workers, eliminating Child Labour, promoting Harmonious Industrial Relations, ensuring Enforcement of Labour Laws and promoting Employment Services.

### 2.4 Objectives

1. Enhancing welfare and social security provisions for unorganised sector workers
2. Providing social security to organised sectors workers
3. Eliminating child labour
4. Enhancing employability of youth
5. Strengthening employment services
6. Prevention and settlement of industrial disputes and strengthening labour laws enforcement machinery
7. Improving safety conditions and safety of workers

### MINISTRY OF LABOUR & EMPLOYMENT

**Shri Santosh Kumar Gangwar** had taken over the charge as Minister of State(Independent Charge), Labour and Employment w.e.f. 03.09.2017, and after the General Elections in 2019, he again took over the charge as the Minister of State (Independent Charge), Labour & Employment since 30.05.2019.

**Shri Heeralal Samariya, IAS (TG:1985)** took over the charge as Secretary (L&E) w.e.f. 21.05.2018.

#### **Bureau Heads**

**Smt. Anuradha Prasad, AS(L&E) (IDAS : 1986)** took over the charge as Additional Secretary (L&E) w.e.f. 11.07.2018. She is functioning as Chief Vigilance Officer and the Director General of Employment (DGE). She is also looking after all legal matters, convergence of Social Security Schemes for unorganized workers, all matters relating to Coordination/2nd National Commission on Labour (NCL), DattopantThengadi National Board for Workers Education and Development (DTNBWEB), Citizen Charter, ISH-DGFASLI, Factory Act& Dock Workers (Safety and Health) Act.

**Shri Biranchi Narayan Nanda (IES : 1983)** took over the charge of Principal Labour and Employment Economic Adviser w.e.f. 11.03.2019. He is looking after the work of Economic and Statistical Analysis (ESA) (Labour Bureau), Disaster Management and Planning Unit.

**Smt. Sibani Swain, AS&FA (IES:1986 )** took over the charge of Additional Secretary & Financial Advisor w.e.f. 11.07.2018. She heads the Finance Division, Budget & Accounts (B&A) and Cash. She is looking after the matter relating to Demand for Grants before Parliamentary Standing Committee on Labour and monitoring of expenditure of the Ministry. In addition, she is looking after the work of Pay & Accounts Office.

**Shri M Peter Johnson, DG(S), (ISS)** took over charge as Director General (Statistics) w.e.f. 01.07.2019. He is looking after the work of all matters related to National Career Service Centres for Differently Abled (erstwhile Vocational Rehabilitation Centres) and National Institute for Career Service (erstwhile CIRTES), Employment Statistics & related reports and Parliament Unit.

**Ms Vibha Bhalla {IRS (IT):1991}** took over the charge as Joint Secretary w.e.f. 20.02.2019. She is looking after the work of ShramSuvudha Portal, Social Security excluding Employees' Provident Fund Organisation (EPFO), Employee's State Insurance Corporation (ESIC), Wage Board & Wage Cell.

**Shri Ajay Tewari, IAS (AM:1993)** took over the charge as Joint Secretary & Director General of Labour Welfare w.e.f. 02.11.2018. He is looking after the work of Labour Welfare – Rural and Unorganized Labour, Bonded Labour, residual work of RSBY, all aspects related to Unorganised Workers Social Security Act **including** registration of the workers, BOCW Act, 1996 and BOCW's Welfare Cess Act, 1996. He is also dealing with pension Scheme for unorganized workers called PM-Shram –Yogi-Maandhan and newly launched National Pension Scheme for Traders and Self-employed persons (NPS-Traders).

**Shri R.K. Gupta, (CSS:1987)** took over the charge as Joint Secretary w.e.f. 01.08.2016. He is looking after the work of Administration, IT, Labour Conference (LC) /ILAS, matters relating to EPFO including Social Security Agreements, Central Provident Fund Act 1925, Labour Laws Reforms including Small Factories Bill, Nodal officer for AVMS(ACC Vacancy Monitoring System), Chief/Nodal Record Officer, Bhavishya, e-Sparrow, Swachh Bharat Mission, APARs, Coordination with DPARG, NIC and national e-Governance.

**Ms Kalpana Rajsinghot, (IPoS : 1992)** took over the charge as Joint Secretary w.e.f. 26.10.2017. She is looking after the work of V.V. Giri National Labour Institute (VVGNI), Media Cell, all matters relating to Industrial Relations including Appellate Authority for Railways (HOER), Child & Women Labour, Industrial Safety & Health Division – matters related to Directorate General Mine Safety (DGMS), Mines Act and IR(PL).

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**Sh. Sunil Prakash Bhardwaj, (ISS)** is holding the post of DDGw.e.f. 01.08.2019. He is looking after the work of ESA(Labour Bureau), Planning Unit and Parliament Unit.

**Shri Devender Singh (IES:1986)** took over the charge of Economic Advisor w.e.f 15.12.2015. He is looking after the work of Official Language, Public Grievances, Central Labour Service & CGITs, Evaluation & Monitoring of Schemes, all matters related to RTI& VII CPC, deputation of Nodal / Area Officers to various States / UTs. He is also Chief Information Security Officer.

**Sh. R.D. Chouhan, Chief Controller of Accounts (ICAS:1988)** took over the charge as the Head of the Accounting Organization w.e.f. 21.10.2019 in the Ministry. He is looking after the work of Accounts, Budget, DBT& Internal Audit of the Ministry.

#### **OFFICE OF DIRECTOR GENERAL of EMPLOYMENT (DGE)**

**Shri Satyendra Bahadur Singh, (ISS:1987)** is holding the post of Deputy Director General (Employment) since 22.02.2018.

#### **OFFICE OF CHIEF LABOUR COMMISSIONER (CENTRAL) {CLC(C)}**

**Shri Rajan Verma, CLS (1987)** has assumed the charge of the post of Chief Labour Commissioner (Central) w.e.f. 01.01.2019.

#### **EMPLOYEES' STATE INSURANCE CORPORATION (ESIC)**

**Shri Raj Kumar, IAS (GJ:1987)**, took over the charge of Director General of ESIC w.e.f. 21.07.2017.

#### **EMPLOYEES' PROVIDENT FUND ORGANISATION (EPFO)**

**Shri Sunil Barthwal, IAS (BH:1989)** assumed the charge as Central Provident Fund Commissioner, EPFO w.e.f. 30.06.2018.

### **ATTACHED OFFICES**

#### **Directorate General of Employment (DGE)**

**2.5** The Directorate of Employment (DGE) is responsible for laying policies, standards, norms and guidelines for coordinating employment related services throughout the country. 'Employment' being concurrent subject, the laying down of policies, standards and norms 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 various schemes to increase the employability of specific target groups through its subordinate offices.

#### **Office of Chief Labour Commissioner (Central) [CLC(C)]**

**2.6** This Office is responsible for (a) prevention, investigation and settlement of industrial disputes in the central sphere; (b) enforcement of awards and settlements; (c) implementation of labour laws in industries and establishments in respect of which Central Government is the appropriate government; (d) verification of membership of Unions affiliated to the Central Organisations of workers for giving them representation in national and international conferences and committees; and (e) fixation and revision of dearness allowance component of minimum wages under the Minimum Wages Act, 1948 in the scheduled employments.

#### **Directorate General of Factory Advice Service and Labour Institutes (DGFASLI)**

**2.7** The Directorate General Factory Advice Service & Labour Institutes (DGFASLI), Mumbai which is an attached office of the Ministry of Labour & Employment, functions as a technical arm of the Ministry in regard to matters concerned with

safety, health and welfare of workers in factories and ports. It assists the Central Government in formulation/review of policies and legislations on occupational safety and health in factories and ports, maintains a liaison with Factory Inspectorates of States and Union Territories in regard to the implementation and enforcement of provisions of the Factories Act, 1948; renders advice on technical matters, enforces the Dock Workers (Safety Health & Welfare) Act, 1986; undertakes research in industrial safety, occupational health, industrial hygiene etc.; and provides training, mainly, in the field of industrial safety and health including one year Diploma Course in Industrial Safety, three-months Certificate Course in Industrial Health (Associate Fellow of Industrial Health -AFIH), 5-week Specialized Certificate Course in Safety and Health for Supervisory Personnel working in Hazardous Process Industries.

**2.8** The DGFASLI organisation comprises of the headquarters; five Labour Institutes and 11 Inspectorates of Dock Safety in Major Ports. The Headquarters in Mumbai has three divisions/ cells, namely, Factory Advice Service Division, Dock Safety Division and an Award Cell.

**2.9** The Central Labour Institute in Mumbai started working from 1959 and was shifted to its present premises in February' 1966. Over the years, the Institute has grown and assumed the status of a major National Resource Centre with the following divisions:

- **Industrial Safety**
- **Industrial Hygiene**
- **Industrial Medicine**
- **Environmental Engineering**
- **Staff Training and Productivity**
- **Major Hazards & Chemical Safety**

**2.10** The different divisions at the Institute

undertake activities such as carrying out studies and surveys, organizing training programmes, seminars and workshops, rendering services, such as, technical advice, safety audits, testing and issuance of performance reports for personal protective equipment, delivering talks, etc.

**2.11** The Regional Labour Institutes (RLIs) located in Chennai, Faridabad, Kanpur and Kolkata, are serving the respective regions of the country. Each of these institutes has the following divisions/ sections:

- **Industrial Safety**
- **Industrial Hygiene**
- **Industrial Medicine**

**2.12** The Inspectorates of Dock Safety are established at 11 major ports of India viz. Kolkata, Mumbai, Chennai, Visakhapatnam, Paradip, Kandla, Mormugao, Tuticorin, Cochin, New Mangalore and Jawaharlal Nehru Port. The Inspectorate of Dock Safety at Ennore Port is in the process of being set up.

### **Labour Bureau**

**2.13** The Labour Bureau with its headquarters at Chandigarh and Shimla, is responsible for collection, compilation and publication of labour statistics and other information relating to labour such as employment and unemployment, wages, earnings, industrial relations, working conditions etc. It also compiles and publishes the Consumer Price Index Numbers for industrial and agricultural / rural workers.

### **SUBORDINATE OFFICES**

#### **Directorate General of Mines Safety (DGMS)**

**2.14** This Office is entrusted with enforcement of provisions of the Mines Act, 1952 and the Rules and Regulations framed thereunder. The provisions of the Indian Electricity Act, 1910 as applicable to mines and oil fields are also enforced by it.



*Ministry of Labour & Employment***Welfare Commissioners**

**2.15** The seventeen (17) offices of Welfare Commissioners are responsible for providing welfare services to the workers employed in mica, limestone and dolomite, iron ore, manganese, & chrome ore mines and in the beedi and cinema industries. These offices are located at New Delhi (Headquarter) Allahabad, Ahmedabad, Ajmer, Bangalore, Bhubaneswar, Chandigarh, Cannanore, Dehradun, Hyderabad, Jabalpur, Kolkata, Nagpur, Patna, Ranchi (Jharkhand), Raipur and Tirunelveli.

**AUTONOMOUS ORGANISATIONS****Employees State Insurance Corporation (ESIC)**

**2.16** The ESIC is responsible for implementation of the Employees State Insurance Act 1948, which provides for medical care and treatment to Insured Persons and their families. Assistance is given in terms of benefits during sickness and maternity, compensation for employment related injury, pension for dependents on the death of workers due to employment related injury, etc.

**Employees Provident Fund Organization (EPFO)**

**2.17** This Organisation is responsible for administration of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The Schemes for Provident Fund, Family Pension and Deposit Linked Insurance are implemented by the Organisation for the benefit of workers covered under the scheme. The Organisation is also responsible for administration of Employees Pension Scheme, 1995 that came into existence on 16.11.1995.

**V.V. Giri National Labour Institute (VVGNI)**

**2.18** The V.V. Giri National Labour Institute, Noida (Uttar Pradesh) is a registered society, which conducts action oriented research and provides

training to grass-root level workers in the trade union movement, both in urban and rural areas and also to Officers dealing with industrial relations, personnel management, labour welfare etc.

**Dattopant Thengadi National Board for Workers Education and Development (erstwhile CBWE)**

**2.19** The Board with its headquarters at Nagpur is a registered society dealing with schemes for training of workers on trade unionism and in bringing about consciousness among workers about their rights, duties and responsibilities. The Board also undertakes programme for rural workers education and functional adult education.

**ADJUDICATING BODY****Central Government Industrial Tribunals-cum-Labour Courts (CGITs)**

**2.20** Twenty two Central Government Industrial Tribunal (CGIT)-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. Through Finance Act, 2017, the powers to settle the Appeals arising out of EPF&MP Act, 1952 have also been entrusted upon these Tribunals. 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.

**ARBITRATION BODY****Board of Arbitration, Joint Consultative Machinery (JCM) Scheme**

**2.21** In 1966, the Government of India had



introduced a Scheme for Joint Consultative Machinery (JCM) and Compulsory Arbitration for Central Government Employees for resolving unresolved differences between the Government, as an employer, and the general body of its employees in certain matters of common concern.

**2.22** As per clause 16 of the JCM Scheme, Compulsory Arbitration is limited to disputes on Pay and Allowances, Weekly Hours of Work and Leave of a class or grade of employees. As per clauses 18 & 19 of the JCM Scheme for Arbitration, if so desired by either side, a dispute on an arbitrable matter is referred to the Board of Arbitration (BOA), only after it has been considered by the National Council or appropriate Departmental Council, as the case may be, and a final disagreement between the two sides has been recorded in the matter.

### **Main Subjects dealt in the Ministry of Labour and Employment**

**2.23** In pursuance of the powers derived from the respective entries in the Union List and the Concurrent List of Seventh Schedule of the Constitution, the Ministry of Labour and Employment has been allocated the following items of work: -

**2.24** Labour policy (including wage policy) and legislation, safety, health and welfare of labour, Social Security of labour, policy relating to special target group such as women labour, child labour, Industrial relations and enforcement of labour laws in the central sphere, adjudication of industrial disputes through Central Government Industrial Tribunals-cum-Labour Courts and National Industrial Tribunals, Workers Education, Labour and Employment Statistics, Employment Services, Administration of Central Labour & Employment Services, International Cooperation in Labour & Employment matters.

### **Central Labour Service (CLS)**

**2.25** The Central Labour Service (CLS) was constituted with effect from 3<sup>rd</sup> February 1987 to ensure better industrial relations, labour welfare and enforcement of labour laws. Consequent upon the Cadre Review, the Central Labour Service (CLS) was notified as an Organized Service in the year 2004.

**2.26** The factories and mines employing 500 or more workers and plantations employing 300 or more workers are required to appoint prescribed number of welfare officer(s) under the relevant statutes. Assistant Labour Welfare Commissioners (Central) and Deputy Labour Welfare Commissioners (Central) discharge statutory functions and they also advise and assist the management of the concerned establishments in maintaining harmonious industrial relations in the areas of safety, health and welfare of workers etc. Moreover, by assisting the organization in resolution of workers' grievances, these officers prevent them from escalating into industrial disputes.

**2.27** In addition, officers appointed as Assistant Labour Commissioners (Central), Regional Labour Commissioners (C), Deputy Chief Labour Commissioners (C) in the Central Industrial Relations Machinery (CIRM), headed by the Chief Labour Commissioner (C) are entrusted with the task of maintaining good Industrial relations in the Central sphere. The officers under CIRM are responsible for enforcement of all applicable labour laws in the establishments/industries covered under Central Sphere. These officers perform quasi-judicial authority under the Minimum Wages Act, the Payment of Wages Act, the Payment of Gratuity Act, the Industrial Dispute Act, 1947 etc. Apart from the above, they also conduct general verification of Central Trade Union Organization and also Trade Unions unit level membership verification under Code of Discipline.

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**2.28** CLS officers appointed as Assistant Welfare Commissioners and Welfare Commissioners in the Welfare Organisation of the Ministry of Labour and Employment under the Director General (Labour Welfare) administer various schemes viz., Health, Housing, Education, Pension etc. for unorganized workers engaged in Beedi making industry, mines etc.

**2.29** Consequent to the 2<sup>nd</sup> Cadre Review of the Central Labour Service (CLS), the present Cadre strength of the Service in various grades is restructured and revised as 01 post in HAG, 02 posts in SAG, 59 posts in JAG, 115 posts in STS and 163 posts in JTS Grade.

**PARLIAMENT UNIT:**

**2.30** Parliament Unit is the Nodal Unit for Parliament related matters. The main functions of this Unit are as under:-

- (i) To receive all notices on Starred/Un-starred Parliament Questions as well as Special Mention/ Resolution/ Short Duration Discussion etc. from Lok Sabha/Rajya Sabha Question Branches and to forward to all concerned Section in the Ministry for necessary action.
- (ii) To coordinate with the concerned Sections/ Divisions of the Ministry to provide information related to Legislative Business before every Session of Parliament.
- (iii) To forward information in respect of matters of Urgent Public Importance raised in the House under Rule 377 in Lok Sabha and by way of Special Mention in Rajya Sabha during Zero Hour to respective House of Parliament.
- (iv) To coordinate with the concerned Sections/ Divisions of the Ministry to provide information related to Parliament Standing Committee Meetings.
- (v) To conduct meetings of the Consultative Committee attached to this Ministry as per the

convenience of Hon'ble Labour & Employment Minister.

**FINANCE WING****Integrated Finance Division**

**2.31** The Secretary (M/o Labour & Employment) is the Chief Accounting Authority of the Ministry of Labour & Employment and discharges his/her duties with the assistance of Additional Secretary & Financial Advisor (AS & FA) and Chief Controller of Accounts (CCA). AS & FA is the Head of Budget & Finance and CCA is the Head of Accounting Organization in the Ministry of Labour & Employment.

**2.32** As provided in Appendix 2 of Delegation of Financial Powers Rules (DFPRs), 1978, IFD, headed by AS & FA, carries out the following functions:-

- To advice the Administrative Ministry on all matters falling within the powers delegated to the Ministry by the M/o Finance. This includes all powers other than those devolving on a Ministry in its capacity as head of Office;
- To scrutinize proposals for re-delegation of powers to subordinate authorities;
- To screen and give concurrence to all expenditure proposals beyond the delegated power of HoD in the Ministry;
- To screen all expenditure proposals requiring to be referred to Ministry of Finance for concurrence and comments;
- To closely associate with the evaluation of progress and performance of projects and other continuing schemes;
- To closely associate with the formulation of Schemes and important expenditure proposals from the initial stages;

- To examine & scrutinize SFC/EFC proposals received from various Wings of the Ministry.

**2.33** During 2019-20, meeting of the Standing Committee on GeM (SCoGeM) headed by AS & FA were held regularly to ensure that most of the procurement are made through GeM portal and to minimize default payments.

### **Budget & Accounts Section**

**2.34** B&A Division is an integral part of Ministry of Labour & Employment and plays a vital role in the smooth implementation of schemes of MoLE. This Division is headed by Additional Secretary & Financial Adviser (AS&FA) in the Ministry. US (budget) under the supervision of CCA assists the Financial Advisor in all the matter related to the Division.

**2.35** Functions & Duties of the B&A Division are given below:-

- To ensure that the schedule for preparation of budget is adhered to by the Ministry and Budget is drawn up according to the instructions issued by Finance Ministry from time to time.
- To examine the annual budget proposals received from various Divisions/Sections of the Ministry for placing the same before AS&FA for finalizing the Ministry's annual demand for grants in consultation with Bureau Heads concerned.
- Preparation of Detailed Demand for Grants based on the final ceiling conveyed by the Ministry of Finance and also comply the instructions regarding allocation of budget for SCSP, TSP and North Eastern Region.
- To watch and review the progress of expenditure against sanctioned grants through holding of regular meeting being chaired by AS&FA, wherein, it is sensitized to maintain the even pace of expenditure so that it conforms to the Monthly Expenditure Projection and Quarterly Expenditure Projection approved by Parliament.
- To screen the proposals received from Divisions/Section of this Ministry for supplementary demand for grants and forward the proposal to Ministry of Finance for the approval of Parliament.
- To screen re-appropriation proposals before forwarding the same to the Ministry of Finance for approval.
- To monitor settlement of audit objections, inspection reports, audit paras, etc. and to ensure prompt action on Audit Reports and issues related to Appropriation Accounts and Finance Accounts.
- Compilation of documents/material viz., Notes on Schemes, Standing Committee's Reports etc. for submitting the same, along with a presentation on Demand for Grants, to Lok Sabha Secretariat in connection with Parliamentary Standing Committee's meeting on "Demand for Grants" held in Parliament House Annexe on yearly basis. A full-fledged Report based on the discussion held and the information provided in the aforesaid documents, is also sent by Lok Sabha Secretariat for submitting Action Taken Report. Accordingly, B&A Section compiles Action Taken Report (ATR) on the Report containing the recommendations of Parliamentary Standing Committee. Laying of the Action Taken Report in both the Houses of the Parliament within six months of submitting the ATR to Lok Sabha Secretariat.
- To forward/upload the updated status of implementation of Budget Announcements to Ministry of Finance.
- Liaisoning with Autonomous Bodies, Attached & Subordinate offices for various budget related matters.

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- Brief on Cut-Motions for budget debates on the Demand for Grants.
- To facilitate in providing loan to Government Servants.
- To provide secretariat assistance to Standing Audit Committee headed by Secretary (L&E) for which AS&FA is the nodal officer.

**Official Language****Progressive use of Hindi**

**2.36** The Ministry of Labour & Employment has made efforts to promote the use of Hindi in official work and create interest among officers / staff to work in Hindi during the year 2019-2020. Steps were taken to ensure compliance of the provisions of the Official Language Act / Rules and orders / instructions/ guidelines issued by the Department of Official Language from time to time. Hindi Section of the Ministry is entrusted with the task of implementation of the Official Language Policy of the Government of India and translation of important documents such as papers to be placed before the Parliament, Labour Laws, Labour Codes, Bills, Hon'ble Labour & Employment Minister's Speeches, Press release etc. and other routine work of the Ministry. Last Hindi Salahkar Samiti which was headed by the Hon'ble Minister was organised at Thirupati, Andhra Pradesh on 18.06.2018.

**2.37** Hindi Fortnight was observed during 02-16, September, 2019 to promote the use of Hindi in the Ministry. On this occasion, eight Hindi related competitions were conducted to promote the use of Hindi among the officials. A large number of Officials of the Ministry participated in these competitions and the winners of the competition are given cash awards and certificates. Thereafter, the formation of Hindi Salahkar Samiti of the Ministry for 17<sup>th</sup> Lok Sabha is in process.

**Direct Benefit Transfer (DBT) Cell**

**2.38** With the aim of reforming Government delivery system by re-engineering the existing process in welfare schemes for simpler and faster flow of information / funds and to ensure accurate targeting of the beneficiaries, de-duplication and reduction of fraud, Direct Benefit Transfer (DBT) of funds to beneficiaries was started on 1<sup>st</sup> January, 2013. DBT Mission was created in the Planning Commission to act as the Nodal Point for implementation of the DBT programmes. The Mission was transferred to the Department of Expenditure in July, 2013 and continued to function till 14.09.2015. To give more impetus, DBT Mission and matters related thereto has been placed in Cabinet Secretariat under Secretary (Co-ordination & PG) w.e.f. 14.09.2015. DBT Mission at Cabinet Secretariat is mandated to act as nodal point for implementation and monitoring of Aadhaar-based DBT programmes of various Central Ministries / Departments as well as State Governments / UTs. DBT Mission has also developed a web-based MIS portal ([www.dbtbharat.gov.in](http://www.dbtbharat.gov.in)), which collects and compiles all DBT related information of Ministries / Departments i.r.o. following parameters on regular basis:

- Beneficiary Digitization and their Aadhaar Seeding / Aadhaar Authentication.
- Benefits (either Cash or Kind) given to the beneficiaries sponsored by the Consolidated Fund of India.
- Fund transferred to the beneficiaries through DBT / Non-DBT Mode.
- Savings, if any, due to removal of duplicate / ghost / fake beneficiaries.

**2.39** In pursuance to the directions of DBT Mission, a DBT Cell was constituted in the Ministry of Labour & Employment, in August, 2016, for attending the work relating to Direct Benefit

Transfer. The Cell is working under overall supervision of AS & FA (L&E) assisted by CCA. Day-to-Day functioning of DBT Cell is looked after by one Under Secretary. DBT Cell is coordinating and monitoring the progress of DBT in the Ministry as per the directions / instruction of DBT Mission.

The list of 16 DBT Schemes [14 Cash Benefit Transfer, one In-Kind Benefit Transfer and one Aadhaar Enabled Service] of the Ministry of Labour & Employment covered under the DBT Program during 2019-20 is **at Table 2**.

**Table 2**

**List of DBT Schemes of the Ministry of Labour & Employment covered under the DBT Program during 2019-20**

**(From 1<sup>st</sup> April, 2019 upto 31<sup>st</sup> October, 2019)**

Sl. No.	Name of the Scheme	Number of Beneficiaries during 2019-2020	Amount Given to the Beneficiaries during 2019-20 [In Rs.]
<b>Cash Transfer Schemes</b>			
1	Financial Assistance for Education for the Wards of Beedi, Cine, IOMC, LSDM Workers	0	0.00
2	Scholarship under Aam Aadmi Bima Yojana (AABY) [converged with PMJJBY&PMSBY]	0	0.00
3	Revised Integrated Housing Scheme (RIHS) - 2016 for Beedi, IOMC, LSDM, Cine Workers	2.5 Thousand	16.68 Crore
4	Stipend to Children in Special Schools under National Child Labour Project (NCLP)	31.8 Thousand	5.39 Crore
5	Stipend to Trainees under the Scheme of Welfare of SC / ST Job-Seekers through Coaching, Guidance & Vocational Training (CGC)	3,500	1.01 Crore
6	Stipend to Differently Abled Candidates under the Scheme of Vocational Rehabilitation Centres for Handicapped (VRCs)	400	66.77 Lakh
7	Grants to Dattopant Thengdi National Board for Workers' Education & Development (DTNBWED)	70.8 Thousand	1.86 Crore
8	Family Pension-cum-Life Assurance & Deposit Linked Insurance Schemes for the Plantation Workers in Assam	27.2 Thousand	29.68 Crore



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9	Rehabilitation Assistance under the Scheme of Rehabilitation of Bonded Labour	0	0.00
10	Employees Pensions Scheme (EPS) for EPF Pensioners	18.78 Lakh	535.70 Crore
11	Employees Pensions Scheme (EPS) for EPF Members	5.42 Crore	3,535.57 Crore
12	Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)	1.21 Crore	2,302.37 Crore
13	Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM)	32.70 Lakh	170.27 Crore
14	National Pension Scheme for Traders and Self Employed Persons	3.2 Thousand	5.11 Lakh
<b>In-Kind Transfer Scheme</b>			
15	Grants to V.V. Giri National Labour Institute (VVGNI)	1.3 Thousand	NA
<b>Aadhaar Enabled Service</b>			
16	National Career Service (NCS)	99.57 Lakh	NA

**Action Taken on Citizens' / Client's Charter (CCC)****RFD Cell**

**2.40** The Citizens' / Clients' Charter (CCC) of the Ministry of Labour & Employment has been last updated in August, 2019 on the basis of the guidelines of the Department of Administrative Reforms & Public Grievances (DAR&PG) and the Performance Management Division (PMD), Cabinet Secretariat and in consultation with the stakeholders of the Ministry. The charter has been put on the website of the Ministry for easy access by public and sufficient copies have been kept in the Information Facilitation Centre of the Ministry for use by visitors.

**2.41** The Citizens' / Clients' Charter (CCC) contains information with respect to vision,

mission, services / transactions rendered by the Ministry along with responsible persons, their contact details, processes, documents / fees required and service standards. Separately, contact details of Grievance Redressal Officer and information with reference to Attached / Subordinate Offices / Autonomous Bodies of the Ministry along with contact details and address of their websites have been incorporated in the Charter.

**2.42** An Information Facilitation Centre has been set up in the Ministry with Internet and Telephonic Facility, which is rendering all necessary assistance to the Public by making information available on various activities and schemes of the Ministry and its Organizations.

Sl. No.	Report No. & Year	Paras	Details of the Paras/PA Reports on which ATNs are pending		
			No. of ATNs not sent by the Ministry even for the first time	No. of ATNs sent but returned with observations and audit is awaiting their re-submission by the Ministry	No. of ATNs which have been finally vetted by Audit but have not been submitted by the Ministry to CAG/PAC by the Ministry.
1	CAG Report No.4 of 2018 - Short realisation of administrative charge (EPFO)	One Para (Para No. 14.1)	0	1	0
2	Report No.115 -Action Taken by the Government on the Recommendations of the Committee contained in their Sixty Seventh Report on “ <b>Performance</b> Audit of Employees State Insurance Corporation and Special Audit of Medical Education Projects of ESIC”	Seven (6,13,18,23, 28,33 & 38)	7	0	0

*Action Taken Notes on PAC and C&AG Audit Paras*

## CHAPTER-3

# INDUSTRIAL RELATIONS

## CENTRAL INDUSTRIAL RELATION MACHINERY (CIRM)

### BRIEF REPORT ON ACTIVITIES OF CHIEF LABOUR COMMISSIONER'S (CENTRAL) ORGANISATION

**3.1** Chief Labour Commissioner's (Central) Organisation, also known as Central Industrial Relations Machinery (CIRM) is an attached office of the Ministry of Labour & Employment. The CIRM is headed by the Chief Labour Commissioner (Central). It has been entrusted with the task of maintaining harmonious Industrial Relations, Enforcement of Labour Laws and Verification of CTUOs (Central Trade Union Organisations). CIRM has complement of 18 officers at the Head Quarters and 287 Officers in the field. The offices of these Officers are spread over different parts of the country with zonal, regional and unit level formations.

### 3.2 Functions of the Organisation:

The functions of CIRM broadly are given as under:

- i. Prevention and Settlement of Industrial Disputes, in Central Sphere,
- ii. Enforcement of Labour Laws and Rules made there under in central sphere,
- iii. Implementation of awards,
- iv. Quasi-Judicial functions,
- v. Verification of the membership of the CTUOs,
- vi. Welfare & Training,
- vii. Other Miscellaneous functions,

### 3.3 (i) PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES

The CIRM ensures harmonious Industrial

Relations in the central sphere establishments through:-

- Monitoring of Industrial Relations in Central Sphere,
- Intervention, mediation and conciliation in Industrial Disputes in order to bring about settlement of disputes,
- Intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts,
- Implementation of settlements and awards,
- Enforcement of other provisions in Industrial Disputes Act, 1947 relating to: (1) Works Committee, (2) Recovery of Dues, (3) Lay Off, (4) Retrenchment, (5) Unfair Labour Practices etc.

**3.4 (a)** During the year 2019-2020 the CIRM has intervened in 286 numbers of threatened strike and by their conciliatory efforts succeeded in averting 283 strikes, which represent a successes rate of 98.95%. As for industrial disputes handled by the machinery during the year 2018-2019 and 2019-2020 (April to October, 2019) the details are as under:-

Head	2018-19	2019-2020 (April to October, 2019)
Industrial Disputes Handled	12427	9823
Industrial Disputes Disposed of	7976	5006
Strikes Averted		461 283

**(b) BENEFITS TO WORKERS DUE TO INTERVENTION BY CIRM**

YEAR	2018-2019	2019-2020 (April to October, 2019)
Numbers of Workers Benefited	1,27,577	98613
Amount of Relief to the above workers (In Crore)	1,323	682
Number of workers Regularised / Re-instated	2,693	243

**(ii) ENFORCEMENT OF LABOUR LAWS:**

**3.5** Another important function of CIRM is enforcement of Labour Laws in the establishments for which Central Government is the Appropriate Government. The machinery enforces following Labour Laws and Rules framed there under:

- The Payment of Wages Act 1936 & rules made thereunder for Mines, Railways, Air Transport Services & Docks, Wharves and Jetties.,
- The Minimum Wages Act 1948 and Rules,
- The Contract Labour (Regulation & Abolition) Act, 1970 and Rules,
- The Equal Remuneration Act 1976 & Rules,
- The Inter-State Migrant Workmen (RE&CS) Act 1979 and Rules,
- The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 and Rules,
- The Payment of Gratuity Act, 1972 and Rules,

- The Labour Laws (Exemption from Furnishing returns and Maintaining Registers by certain Establishments) Act 1988,
- The Building and other Construction Workers (RE&CS) Act, 1996 and Rules.
- The Chapter VI-A of Indian Railways Act; Hours of Employment Regulations for Railways Employees
- The Industrial Employment (Standing Orders) Act, 1946 & Rules,
- The Maternity Benefit Act, 1961 & Mines and Circus Rules, 1963 & Rules and
- The Payment of Bonus Act, 1965, and Rules.

**3.6** There are approximately 2.32 lacs establishments in the Central Sphere. The Inspecting Officers of CIRM inspect these establishments under different labour enactments through routine Inspections and Special Drives for Inspections under the Crash Inspection Programmes and Taskforce Inspections to secure benefits of the beneficial legislations to workers. To ensure transparency and accountability in the system, all the inspections are conducted through web enabled ShramSuvidha Portal. The inspection reports are uploaded on the ShramSuvidha Portal within 48 hours, so as to enable employers to make good the irregularities and deficiencies noticed during inspections. Special emphasis is given to enforcement of beneficial enactments such as The Contract Labour (Regulation & Abolition) Act, 1970, The Minimum Wages Act, 1948 and The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 in the un-organised Sector. Prosecutions are launched against persistent defaulters and in respect of major violations. Details for the year 2018-2019 and 2019-20 (April to October) are given as under:-

*Ministry of Labour & Employment***STATEMENT SHOWING NO. OF INSPECTIONS ETC. UNDER VARIOUS LABOUR LAWS FOR THE YEAR 2018-2019 and 2019-2020 (April to October, 2019)**

Head	2018-2019	2019-2020 (April to October, 2019)
Inspection Conducted	36,470	22,735
No. of irregularities detected	2,10,697	1,27,253
No. of irregularities rectified	1,13,119	53,616
No. of prosecution cases filed	6,613	3,512
No. of convictions secured	2,433	918

\* *Number of conviction means obtained plus acquittal*

**(iii) IMPLEMENTATION OF AWARDS:-**

**3.7** The officers of CIRM implement Awards issued by Central Government Industrial Tribunal-cum-Labour Courts (CGITs). During the year 2018-2019, 2755 awards were received (including brought forward). Out of these 946 were implemented, implementation of 1073 Awards were stayed by Hon'ble Courts & implementation of 736 Awards are under process. During the year 2019-2020 (Apr to October, 2019), 2154 awards were received (including brought forward). Out of these 348 were implemented, implementation of 1014 Awards are stayed by Hon'ble Courts & implementation of 592 Awards are under process. However, 200 number of prosecution cases have been filed before the Hon'ble Courts.

**3.8** Difficulties in implementing the awards are experienced as employers obtain stay orders from High Courts on implementation. Prosecution proposal is submitted to the Ministry for sanction under Cr.PC 197.

**STATEMENT SHOWING DETAILS OF AWARDS FOR THE YEAR 2018-2019 and 2019-2020(April to October, 2019)**

Head	2018-2019	2019-2020 (April to October, 2019)
Awards Received during the year	2755	2,154
Awards Implemented	946	348
Stayed by Courts	1,073	1,014
Prosecution filed in Courts	224	200
Under process	512	592

**(iv) QUASI JUDICIAL FUNCTIONS:-**

**3.9** The CIRM officers from the level of LEO(C) up to the level of CLC (C) also perform certain Quasi-Judicial Functions as shown below:

**CLC(C):-** Director General (Inspections) under The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 but power has been delegated to a Dy. CLC(C) at headquarters; Appellate Authority under The Industrial Employment (Standing Orders) Act, 1946, Conciliation Officer under The Industrial Disputes Act, 1947 for intervening in the disputes as per occasion arises and Supervisor of Railway Labour under The Railway Servants Hours of Employment Rule, 2005.

**Addl. CLC(C):-** Conciliation Officer under The Industrial Disputes Act, 1947. Appellate Authority under The Industrial Employment (Standing Orders) Act, 1946. He is an officer of senior level of CIRM to assist CLC (C) in all his functioning.

**Dy. CLC(C):-** Appellate Authority under The Industrial Employment (Standing Orders) Act, 1946, The Payment of Gratuity Act, 1972, The Building and Other Construction Workers



(Regulation of Employment and Conditions of Service) Act, 1996, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and Appellate Authority to deal with appeals u/s 7 and 12 of The Contract Labour (Regulation and Abolition) Act, 1970; Authority under Rule 25 (2) (v) (a) and (b) of The Contract Labour (Regulation and Abolition), Rules 1971; Conciliation Officer under the Industrial Disputes Act, 1947; Supervisor of Railway Labour The Railway Servants Hours of Employment Rule, 2005.

**RLC (C):-** Authority under The Minimum Wages Act, 1948, The Payment of Wages Act, 1936; The Payment of Gratuity Act, 1972 and The Equal Remuneration Act, 1976. Certifying Officer under The Industrial Employment (Standing Orders) Act, 1946 and Supervisor of Railway Labour under HOER, Conciliation Officer under the Industrial Disputes Act, 1947, disputes on classification under HOER are being dealt by RLC(C); Independent RLCs(C) are also notified as Registering and Licensing Officer under The Contract Labour (Regulation and Abolition) Act, 1970 and Inter-State Migrant Workmen Act, 1979; Registering Officer under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

**ALC(C):-** Controlling Authority under The Payment of Gratuity Act, 1972; Authority under The Equal Remuneration Act, 1976; Registering and Licensing Officer under The Contract Labour (Regulation and Abolition) Act, 1970, ISMW (RE&CS) Act, 1979, Conciliation Officer under the Industrial Disputes Act, 1947; Supervisor of Railway Labour The Railway Servants Hours of Employment Rule, 2005.

**LEO (C) :-** In some places LEOs (C) are notified as Conciliation Officer under the Industrial Disputes Act, 1947

**3.10** The claim cases decided by these officers under some of the above enactments / rules are

given in the table below:-

<b>Disposal of claim cases under MW, PW and PG Act</b>		
<b>Head</b>	<b>2018-2019</b>	<b>2019-2020</b> (April to October, 2019)
Claim cases received	19,937	19,513
Claims cases decided	8,066	4,199
Amount awarded (In Crore)	215	66
Claims cases pending	11,871	15,314

Amount of relief provided during the course of inspections other than claim is Rs. 58.13 Crore for the period 2019-2020 (April-October).

#### **COURT CASES:- 2019-20 (April- October)**

<b>Head</b>	<b>Hon'ble Supreme Court</b>	<b>Hon'ble High Court and other Courts</b>
Received	162	2850
Disposed off	42	396
Pending	120	2454

#### **ANNUAL RETURNS:-**

<b>Year</b>	<b>2017</b>	<b>2018</b>
Number of Establishments (latest)	2,32,627	
Number of online Annual Returns Received	27,717	39,673

**(V) Verification of membership of Trade unions operating in an establishment to identify majority union under Code of Discipline.**

**3.11** The Verification of membership of unions

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operating in establishment in central sphere is conducted by Chief Labour Commissioner (Central)'s office under Code of Discipline for the purpose of granting recognition as and when directed by the Ministry of Labour and Employment.

**3.12** In the year 2019-20 (from 01.04.2019 to 31.10.2019) the Verification of membership of unions operating in 11 establishments was conducted through secret Ballot. The establishments are:

1. **M/s NPCIL, Rawatbhata, Rajanthan**
2. **M/s Ferro Scrap Nigam Ltd., at Burnpur**
3. **M/s BBMB(Irrigation Wing), Nangal**
4. **M/s Bharat Dynamics Limited, Hyderabad**
5. **M/s BBMB, (Power Wing), Nangal, Distt. Ropar (Punjab)**
6. **M/s V.O.Chidambaranar Port Trust**
7. **M/s Hindustan Machine Tools Ltd, Hyderabad**
8. **M/s Hindustan Aeronautics Limited, Balanagar, Hyderabad**
9. **M/s Hindustan Machine Tools, Praga Division Balanagar, Hyderabad**
10. **M/s Bharat Heavy Electrical Limited, (BHEL) Ramachandrapuram, Hyderabad**
11. **M/s Bhilai Steel Plant, Bhilai, Chhattisgarh**

**Statutory verification of Membership of Unions operating in Nationalized Banks**

**3.13** The Ministry of Finance, Department of Financial Services has revised the procedure for conducting verification of membership strength of various unions of workmen operating in Nationalized Banks for determining the majority status to identify Representative union and for the

purpose of nominating a Workmen/ Employee as Director, on the Board of Director of Banks vide its notification dated 19.11.2008. As per this notification the verification of membership of trade unions is to be conducted through check off system by the designated officers at the level of General Manager nominated by Chairman or Managing Director of Bank. An appeal lies against the report of the Designated Officer before the Appellate Authority.

**3.14** Appellate Authority for the above purpose is the Central Government or the Deputy Chief Labour Commissioner(C), Ministry of Labour & Employment, Government of India. No appeal has been received in the period (2019-2020).

**(vi) WELFARE & TRAINING:-**

**WELFARE**

**3.15** The ALWCs, DLWCs and LWCs are posted in Defence and other establishments such as CPWD, Security Presses, Mints, Ordnance Factories, Telecom Factories, Hospitals, etc., which are under the control of Central Government. The LWCs are posted at the Head Quarters of these establishments. These officers ensure harmonious Industrial Relations in their respective establishments. They also look after the welfare and redressal of grievances of the workers, administration of Welfare Schemes and advise the managements on various Labour Matters including constitution of bilateral committees such as Shop Councils, Works Committees etc.

**TRAINING:-**

**3.16** In house training on regular basis to the officers of Central Labour Service (CLS) posted in three streams i.e. 1. Central Industrial Relation Machinery (CIRM)/Chief Labour Commissioner Organisation: 2. Director General Labour Welfare Organisation and 3. As Welfare Officers under The Factories Act in the Industrial Establishments under the control of Central Government. Under

a plan scheme titled “Improvement and Strengthening of Training Wing Labour Officers”. The objective of the scheme is to provide trainings to the CLC officers & LEO(C) with a view to enhance their skills & knowledge in various areas of their functioning for effective discharge of their duties. A committee was constituted with the approval of secretary, Ministry of Labour & Employment on “Training Need Analysis” and on the basis of its recommendations; trainings were provided to the officers at the selected specialized Institutes.

Total 86 CLS Officers & LEO(C) were imparted training during the year 2019-2020 (up to October, 2019) on various subjects like:-

- a. Wage Policy and Minimum wages
- b. Effective Labour Law Enforcement
- c. Training Programme for Newly Promoted RLC (C) and Dy. CLC (C)
- d. Training Programme on Laws Relating to Equality and Empowerment of Women
- e. Mandatory Training Programme for 26 Labour Enforcement Officers
- f. Training Programme on Making Conciliation Effective
- g. Training Programme on Labour Market and Employment Policies
- h. Labour Laws and International Standards on Social Security and Protection
- i. Training Programme on “Towards Generating Quality Employment: Challenges and Options”

#### (VI) MISCELLANEOUS FUNCTIONS:-

**3.17** The CIRM performs the following miscellaneous functions also:

1. Conducting periodic meetings of Minimum

Wages Advisory Board and notifying Variable Dearness Allowance every six months as per A.I.C.P.I. number.

2. Defending Ministry of Labour & Employment in various Writ Petitions filed against Ministry in different High Courts.
3. Investigations of Complaints as per direction of the Ministry of Labour & Employment.
4. Assisting Central Advisory Contract Labour Board as convener of different sub-committees to examine prohibition of contract Labour in different employments.
5. Assisting Ministry in preparation of different reports required to be submitted to International Labour Organisation.
6. Supplying information to Ministry in replying Parliament Question on statutes of labour laws enforced by CLC(C) organisation.
7. Advising Ministry of Labour & Employment in Conflict situations like strikes of All India Nature and other labour matters.
8. Attending to Parliamentary Committees and other important delegations as per advice of the Ministry.
9. Keeping Liaison with State Government Labour Departments for collection of information as per direction of Ministry.
10. Imparting training to the Officers of Central Labour Service and LEO(C).

#### (A) The R.T.I. Act, 2005

**3.18** CLC(C) Organisation is dealing with all the RTI applications at a nodal point as well as at regional level. There are 36 nos. of CPIOs and 36 nos. of First Appellate Authorities designated to deal with RTI applications / appeals received online as well as off line. At nodal point, Nodal Officer has dealt with 941 RTI applications and 97 nos. of appeals. However, details of RTI applications

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dealt during previous years and current year is as below:-

Year (April to March)	Online	Offline	Total
2018-19	922	321	1243
<b>2019-20 (April to 31<sup>st</sup> October)</b>	<b>650</b>	<b>291</b>	<b>941</b>

**(B) PUBLIC GRIEVANCE:-**

**3.19** During the Year 2019-2020 (April to Oct. 2019) a total number of 9070 (8672 online and 398 offline) public grievances were received and a total number of 8835 (8531 online and 304 offline) public grievances have been disposed of, which accounts for 97.40 % of disposal.

**Statement showing : Online\ Offline  
Grievances Statues**

Period	Grievance	BF	Received	Total	Dispos- ed off	Pend- ing
2018-19	online	320	11016	11336	11048	288
2019-20 (Apr-Oct)		288	8384	<b>8672</b>	<b>8531</b>	<b>141</b>
2018-19	Offline	107	4207	4314	4105	209
<b>2019-20 (Apr-Oct)</b>		209	189	<b>398</b>	<b>304</b>	<b>94</b>

Besides, during the period from 01.01.2019 to 31.10.2019 the organisation has dealt with 695 nos. of grievances received under VIP reference. Grievances received on Social Media has also been dealt with instantly.

**(C) 3.20 Major Settlements arrived at during the period from April 2019 to October, 2019**

1. By the efforts of ALC© Raipur, a Wage settlement for Contract Labour arrived at between the management of Hirmi Cement works, Ultratech Cement Ltd., Hirmi, Chhatisgarh and the union. As a result of the settlement, 1340 Contract Labour shall be benefited & total monetary implications is Rs. 8.80 Crores for the settlement period effective from 1.10.2018 to 31.3.2023.

2. By the efforts of Dy. CLC(C) Cochin, a major settlement between the management of Cochin Shipyard & their workmen was arrived at which benefited 1253 workmen by way of monetary benefit amounting to Rs 3,31 crores in the month of July 2019.

3. Wage Settlement in respect of 120 departmental workers of SAIL Refractory Company Ltd., Salem was signed in Chennai before Shri V.M. Manickam, Dy. CLC (C) Chennai.

**(D) MAJOR INDUSTRIAL RELATIONS EVENTS DURING 1<sup>ST</sup> APRIL, 2019 TO 31<sup>ST</sup> OCTOBER, 2019 IN WHICH CIRM PLAYED IMPORTANT ROLE:****3.21 AIR TRANSPORT****Jet Airways Ltd.**

Ministry vide note dated 16.4.2019 forward the notice regarding threatened strike by pilots of Jet Airways demanding payment of pending salaries.

Dy. CLC(C) Mumbai intervened and seized the matter of non-payment of salary of pilots into conciliation. Due to effective conciliation the union deferred the proposed strike.

**3.22 BANK****i. All India Central Bank Employees Federation & All India Central Bank Officers' Association**

The General Secretary, All India Central Bank Employees Federation & All India Central Bank Officers' Association had jointly served a notice to the management of Central Bank of India, Mumbai proposing to go on strike by all members on 31.05.2019 in Hyderabad Zone & Guwahati Zone on 04.06.2019 as well as All India Strike in the Bank on 20.06.2019 to press their demands like recovery of bad loans on war-footing basis, promotion of sub-staff to clerical cadre, filling up of all vacancies in sub-staff etc.



Dy. CLC(C) Mumbai intervened in the matter and held conciliation proceeding fixed on 31.05.2019, due to effective conciliation the union withdrew the strike.

## ii. AIBOC, AIBOA, INBOC, NOBO

A joint notice dated 12.09.2019 submitted to the Chairman, Indian Bank Association by the four Officers' Organization / Confederation/ Association i.e. All India Bank Officers' Confederation (AIBOC), All India Bank Officers' Association (AIBOA), Indian National Bank Officers' Congress (INBOC) and National Organization of Bank Officers (NOBO) proposing to go on strike from 26.09.2019 to 27.09.2019 and Indefinite strike from second week of November 2019 to press their charter of demands.

On receipt of the strike notice, the Chief Labour Commissioner (Central) immediately intervened in the matter and conciliation proceedings held before the CLC(C) at Head Quarter, New Delhi on 19.09.2019 which was attended by senior officers from the Deptt. of Financial Services, Ministry of Finance, Indian Bank's Association and office bearers of all the four Officer's Federations.

After the threadbare discussion it was advised by the CLC(C) to the IBA to arrange for a bilateral discussion at the highest level of all bank management to discuss and address all the issues mentioned in the notice.

In view of the above, a communication from IBA was received on 23.09.2019 mentioning that in the meeting of the negotiating committee, wherein the representatives of all four officers' organizations of the Federation were requested by Chairman, Negotiating Committee to place the matter before the Boards of the concerned banks for the proper deliberation of the issues involved and the Officers' Federations were requested that since the discussion on wage revision negotiation

are going on in a cordial atmosphere from both the sides so any kind of agitational path will not be in the interest of banking industry.

CLC(C) vide letter dated 23.09.2019 again requested the Officers Organizations/ federations to formally place the issue before the respective board of the banks so that the same can be addressed in a right perspective as IBA has also assured that it will positively take up with the banks specially on the mandate issues and also request to consider to call off the proposed strike in view of the efforts/endeavor which are being made in this respect.

In view of the above, pursuant to protracted and prolonged discussions during the conciliation proceeding before the Chief Labour Commissioner (Central), the all four Officers' Federations informed on 24.09.2019 about the deferment of the proposed strike.

## iii. AIBEA and BEFI

A joint notice dated 19.9.2019 was served by the General Secretaries of All India Bank Employees Association (AIBEA) and Bank Employees Federation of India (BEFI) proposing to go on one day all India strike on 22.10.2019 to press their demands i.e. stopping of merger in banks, stopping banking reforms, insure recovery of bad loans etc.

On receipt of the strike notice, CLC(C) intervened into the matter and invited both the management that is Department of Financial Services, Ministry of Finance and Indian Banks' Association and the participating Unions i.e. AIBEA, BEFI for discussion on 15th Oct 2019 which was rescheduled on 18th Oct 2019 due to request received from IBA as a meeting on the subject matter was fixed in their office on the same date. Thereafter, again it was rescheduled on 21.10.2019 as they had again requested for rescheduling the same.

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During the course of discussion / conciliation proceedings on 21.10.2019, representatives from IBA and official from DFS, Ministry of Finance attended & they endeavored to explain the advantages of the proposed amalgamation to the representatives of federations present as it would recognize the global as well as national presence of these banks and also about the wage negotiation going on in the banks on a very positive note. The CLC(C)/Conciliation Officer after giving due hearing to both the management and union representatives requested the unions to defer the proposed one day strike in the interest of the nation and industrial harmony. However, even after putting all the efforts diligently by CLC(C) the unions went on One day strike on 22.10.2019. Overall strike percentage reported across the country was 59%.

iv. **All India Punjab National Bank Officers' Association**

The General Secretary, All India Punjab National Bank Officers' Association served notice to the management of Punjab National Bank proposing to go on continuous strike in Madhya Pradesh & Chhattisgarh state from 14.10.2019 to 15.10.2019 to protest against misbehavior against officers, marking absent forcefully etc.

Dy. CLC(C) Jabalpur intervened in the matter by fixing conciliation proceedings on 11.10.2019. Due to consistent efforts of Dy. Chief Labour Commissioner (Central) Jabalpur, the proposed strike of the Association was deferred as the management of PNB, Jabalpur intimated in this regard.

v. **All India Bank of Baroda Employees Union**

The General Secretary, All India Bank of Baroda Employees Union served notice dated 2.10.2019 to the management of Bank of Baroda proposing to go on continuous strike from 25.10.2019 over the issues of employees of Bank of Baroda,

eVijaya Bank and eDena Bank working in Award Staff cadres in various branches/ offices of India.

Dy. CLC(C) Ahmedabad intervened in the matter and held conciliation proceedings on 18.10.2019 and on his persuasion the union agreed to defer their proposed strike from 25.10.2019.

**3.23 COAL & NON-COAL**

(i) **Bihar Colliery Kamgar Union**

The President, Bihar Colliery Kamgar Union, served the notice dated 20.3.2019 to the Management of Dahibari Colliery (Area No. XII) proposing to go on an indefinite strike from 5.4.2019 to press their demands i.e. Implementation of the minimum wages recommended by the High Power Committee and subsequent circular of CIL with all its arrears, proper arrangement of the safety in the Mines, providing medical card to workers and proper medical facilities, Payment of wages should be made on or before 10<sup>th</sup> day of every month, etc.

RLC(C) Dhanbad intervened in the matter and seized the matter into conciliation on 4.4.2019 and by his persuasion and efforts the union deferred the proposed strike.

ii. **Uranium Corporation of India Ltd.**

A Joint notice dated 09.06.2019 was served by the General Secretaries of JLU, SUMU, UKU & UMS to the management of Uranium Corporation of India Ltd., Jharkhand proposing to go on one day token strike on 25.6.2019 to press their common charter of demand for wage revision settlement and service condition of the workmen of UCIL.

ALC (C) Chaibasa seized the matter into conciliation and with his effort the union called off the proposed strike.

iv. **Nalco Employee's Sangha**

President, Nalco Employee's Sangha served

notice dated 4.6.2019 to the management of Smelter Plant, Nalco, Angul proposing to go on strike on 20.06.2019 to press their demands i.e. erroneous implementation of wage settlement in violation to the 6<sup>th</sup> LTWS (Long Term Wage settlement).

RLC(C) Bhubaneswar intervened in the matter and held conciliation proceedings on 17.6.2019. On his persuasion and effective conciliation the union agreed to call off the proposed strike.

#### **v. Coal India Ltd. affiliated Unions/ Federation**

The General Secretaries of Akhil Bhartiya Khadyan Mazdoor Sangh (affiliated to BMS) and 5 Federations affiliated to INTUC, HMS, AITUC, CITU & AICCTU served notice to the Secretary, Ministry of Coal proposing to go on strike from 23.09.2019 to 27.9.2019 and 24.09.2019 respectively against the decision of Government of India for 100% FDI.

On receipt of the strike notices, CLC(C) immediately intervened into the matter and joint discussion/conciliation proceedings was convened at CLC(C), HQ on 16.09.2019 and again on 20.09.2019. The meeting was neither attended by the union representative nor by the representative of the Coal Ministry but the CLC(C) requested Secretary, Ministry of Coal to invite all the federation/union for joint discussion in the interest of the industrial peace and harmony. However, it was ascertained from the reliable sources that the meeting called by the Hon'ble Minister of Coal was not attended by the federation/ union.

The proposed one day strike called by 5 federations was observed on 24.9.2019 only, whereas the strike call by Akhil Bhartiya Khadyan Mazdoor Sangh (BMS) was observed on 23.09.2019, 24.09.2019 and 25.09.2019.

In the afternoon of 25.9.2019, it was intimated by

the Management of Coal India Ltd. that BMS has decided to withdraw the strike as per the intimation received through the press release issued by BMS on dated 25.09.2019.

### **3.24 DEFENCE**

#### **(i) Biju Aeronautics Employees' Union**

The Secretary, Biju Aeronautics Employees' Union, Koraput, Odisha served notice dated 3.7.2019 to the management of Hindustan Aeronautics Ltd, Koraput proposing to go on one day strike on or after 18.7.2019 in support of the demand for fair and early settlement of wage revision- 2017.

Dy. CLC(C) Bhubaneswar intervened in the matter and held conciliation proceedings and due to her effective conciliation the union deferred the proposed strike.

#### **ii. Federations of Defence employee**

The three federations of Defence employee namely All India Defence Employees Federation (AIDEF), BhartiyaPratirakshaMazdoorSangh (BPMS), Indian National Defence Workers Federation (INDWF) and Confederation of Defence Recognized Association (CDRA) submitted a joint representation dated 25.07.2019 to the Defence Minister proposing to go on 30 days long strike from 20.08.2019 to 19.09.2019 over the issue of unilateral decision taken by the Government to corporatize the ordnance factories.

On receipt of the strike notices All the Regional Heads (Dy. CLCs and RLCs) intervened into the matter and proposed to hold joint discussion with the federations/ unions and the management of ordnance factories but because of the divergent views both the parties could not reach to any point of agreement and the unions/federations went on strike from 20.08.2019.

Immediately, the CLC(C) intervened and held conciliation proceedings on 21.08.2019 which was

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attended by the representatives of all the three federation and Confederation of Defence Recognized Association (CDRA). Joint Secretary (Defence Production) and Director level officers from Ministry of Defence and Deputy Director General of Ordnance Factories Board, Kolkata.

Pursuance to protracted and prolonged discussion it was suggested by the CLC (C) that a meeting at bilateral level may be organized at Secretary (DP) level to have threadbare discussion on the issue. On the advise of CLC(C), a bilateral meeting was held by Secretary (DP) and after the same Federation called off the strike.

**3.25 MISCELLANEOUS****(i) Chandigarh NHM Employees Union**

The General Secretary, Chandigarh NHM Employees Union served notice proposing to go on one day token strike on 19.08.2019 to press their demands i.e. implementation of equal pay for equal work, to frame regularization policy for NHM employees, to release monthly salary by 5th of every month, to provide ESIC facility / free treatment etc.

Dy. CLC(C), Chandigarh has informed that the strike had commenced on 19.8.2019 and on intervention of ALC(C) Chandigarh the strike was called off on 22.8.2019.

**ii. All India Council of Central Trade Union**

The General Secretary, All India Council of Central Trade Union, Bhubaneswar served notice proposing to go on strike from 9.8.2019 to press their demands i.e. reappointment of 14 terminated workers, payment of wages, EPF and ESI, stop abusing and misbehavior towards workers.

Dy. CLC(C) intervened in the matter and conciliation proceeding were fixed on 9.8.2019 and after persuasion of the Dy. CLC(C) Bhubaneswar, the union called off the strike.

**iii. EPF Unions/Federations**

Various EPF Unions/Federations served notice proposing to go on strike on 28.08.2019 to press their demands i.e. immediate implementation of anomaly redressal cum implementation committee report approved by the CBT in its 212 Meeting, MACP/TBP benefits, immediate implementation of office order regarding re delegation of financial powers of APFC to RPFC-I etc.

The matter was immediately sized by the regional heads after receipt of the notice and conciliation proceedings are going on in the matter.

**3.26 OIL****(ii) Maharashtra Employees Union**

The General Secretary, Maharashtra Employees Union served a notice dated 30.09.2019 to the management of ONGC and ors. proposing to go on fast unto death on and from 16.10.2018 in front of the main gate of office of Dy. Commissioner of Labour at Mumbai to resolve their long pending grievances.

RLC(C) Mumbai intervened in the matter and held joint discussion on 9.10.2019. Consequent to his efforts, the union deferred the proposed strike.

**3.27 POST & TELEGRAPH****(i) BSNL-Nationalist Thika Workers' Congress**

The General Secretary, BSNL- Nationalist Thika Workers' Congress, Kolkata served notice dated 30.06.2019 proposing to go on indefinite hunger strike from 24.06.2019 in front of CGM/CTD office, All GM/s & DGM's Office against non-payment of monthly wages & EPF, ESI for last five months.

As informed by RLC(C) New Delhi that no strike took place.



**(ii) BSNL Casual KaramchariSangha**

The General Secretary BSNL Casual Karmachari Sangha (CITU) Odisha served notice dated 28.6.2019 proposing to go on continuous strike from 15.07.2019 to press their demands i.e. payment of monthly wages within 7th of next month, stop retrenchment of casual and contract workmen of BSNL, immediate implementation of equal pay for equal work, stop privatization of BSNL etc.

RLC (C) Bhubaneswar intervened in the matter and seized the matter into conciliation and due to her effective conciliation the union agreed to call off the proposed strike.

**3.28 PORT****(i) JNPT General KamgarSanghatana**

The General Secretary, JNPT General Kamgar Sanghatana has served notice dated 8.5.2019 to the management of JNPT, Mumbai proposing to go on strike w.e.f. 24.05.2019 to press the immediate settlement of demand for cancellation of the Circular No. 590 dated 08/04/2019 issued by JNPT management for implementation of manning scale of 2:1 as against the existing scale in operation of container handling equipment RMQC, RTGC and RMCG.

ALC(C) Mumbai intervened in the matter and due to effective conciliation, the union deferred the proposed strike.

**(ii) Cochin Port Employees' Organization**

The Secretary, Cochin Port Employees' Organization served notice dated 5.7.2019 proposing to go on strike or after 21.07.2019 to press their demands i.e. Adequate workers to be recruited to the cargo handling operations wing of Traffic Department, stopping the DP posting of

workers in the Composite Gang in the cargo handling division etc.

RLC(C) Cochin intervened in the matter and held effective conciliation proceeding, the union averted the proposed strike.

**Five Major Port workers federation**

Five Major Port workers federation have given a call for observing strike on or after 15.10.2019 to press demands i.e. desist from move of replacing the MPT Act, 1963 by MPA Bill 2019, implement wage settlement dated 30.08.2018 in toto at all major ports etc.

On receipt of the strike notice, CLC(C) intervened into the matter and a joint discussion/ conciliation proceedings was held on 10.10.2019 which was attended by office bearers of federation and officials from Indian Port Association and Ministry of Shipping.

The CLC(C) advised and requested the officials of M/o Shipping and IPA to initiate dialogue at the Bilateral Level to address all points of apprehension expressed by the federation in respect of MPA Bill 2019 on priority basis and advised the federation to defer the proposed strike.

**3.29 VISION STATEMENT OF CLC's(C) ORGANISATION****Vision 2030:**

- I. Maintaining harmonious industrial relations by timely and meaningful conciliation of industrial disputes and settlement of grievances.
- II. Securing full compliance of Labour Laws by continuous tracking of default and violations and timely corrective action.

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Seven Year Strategy	Three Year Action Plan
1. Disposal of Industrial Disputes in conciliation in <b>30 days</b> by <ul style="list-style-type: none"> <li>i. Continuous engagement with employers &amp; Trade unions.</li> <li>ii. Strengthening grievance handling machinery at establishment level.</li> </ul>	1. Disposal of Industrial Disputes in conciliation in <b>40 days</b> by <ul style="list-style-type: none"> <li>i. Continuous engagement with employers &amp; Trade unions.</li> <li>ii. Strengthening grievance handling machinery at establishment level.</li> </ul>
2. Securing full compliance in r/o 10 Labour Laws by <ul style="list-style-type: none"> <li>i. Real time tracking of default and violations through IT-enabled systems.</li> <li>ii. Taking corrective action within <b>2-3 days</b></li> </ul>	2. Securing full compliance in r/o 10 Labour Laws by <ul style="list-style-type: none"> <li>i. Continuous tracking of default and violations through field level intelligence and IT-enabled systems.</li> <li>ii. Taking corrective action within <b>7 days</b>.</li> </ul>
3. Disposal of claim applications under MW Act, PW Act, and ER Act within <b>2 months</b> by <ul style="list-style-type: none"> <li>i. On-line filling of claims.</li> <li>ii. Disposal on the basis of on-line records.</li> </ul>	3. Disposal of claim applications under MW Act, PW Act, and ER Act within <b>3 months</b> by <ul style="list-style-type: none"> <li>i. On-line filling of claims.</li> <li>ii. Disposal on the basis of available records.</li> </ul>
4. Passing of order under Payment of Gratuity Act within <b>2 months</b> by <ul style="list-style-type: none"> <li>i. On-line filling of claims.</li> <li>ii. Disposal on the basis of on-line records.</li> </ul>	4. Passing of order under Payment of Gratuity Act within <b>3 months</b> by <ul style="list-style-type: none"> <li>i. On-line filling of claims.</li> <li>ii. Disposal on the basis of available records.</li> </ul>
5. Disposal of appeals under Payment of Gratuity Act within <b>20 days</b> .	5. Disposal of appeals under Payment of Gratuity Act within <b>30 days</b> .
6. Issue of Registration/License under CL (R&A) Act, BOCW Act and ISMW Act within <b>3 days</b> .	6. Issue of Registration/License under CL(R&A) Act, BOCW Act and ISMW Act within <b>5 days</b> .
7. Disposal of appeals under CL(R&A) Act,. BOCW Act and ISMW Act within <b>15 days</b>	7. Disposal of appeals under CL(R&A) Act, BOCW Act and ISMW Act within <b>30 days</b> .

### **Technology Initiative for Seamless handling of Industrial Disputes:**

**SAMADHAN Portal for Industrial Dispute under Section 2-A and 2(k) of Industrial Disputes Act, 1947.** (<https://samadhan.labour.gov.in/>)

**3.30** The prime responsibility of Ministry of Labour & Employment has always been to protect, preserve and uplift the interests of workers. Industrial workers are the most marginalized group in any economy and need assistance of government for handling the complexities of law. Out of the plethora of Labour Laws handled and implemented/enforced by Ministry through its various offices, Industrial Disputes Act, 1947 (ID Act) is considered to be one of the most important one as its primary objective is to make provisions for the investigation and settlement of Industrial Disputes (IDs) which are defined under section 2-A and 2(k) of the Industrial Disputes Act, 1947.

**3.31** The Act provides for dealing of the disputes by way of mediation by the Conciliation Officer of the Appropriate Government. The Conciliation Officer endeavors to make a settlement and in case of failure he sends a report on failure of conciliation (FOC report) with his observations substantiating reference and non-reference.

**3.32** The Ministry, as an appropriate government, administratively examines an industrial dispute to see whether a dispute exists or not and either makes a reference to the CGIT or declines such reference stating the reason for non-reference.

**3.33** However, these disputes fall under procedural trap, ignorance and red-tapism which take years to get solved. In the process workers suffer waiting for the disposal of the cases and sometimes die before seeing the outcome of their efforts to get justice due to lack of knowledge, unorganized way of handling accessibility to information, cost of hiring advocates, accountability of the role players and considerable

delay in settling the disputes. In the present scenario of digitalization, the Ministry has taken the initiative to develop an e-dispute portal i.e. SAMADHAN (Software Application for Monitoring and Disposal, Handling of Apprehended/Existing Industrial Disputes) for filing disputes by a workman in a very simple and lucid way which would make the filing of the dispute easy.

**3.34** SAMADHAN for filing industrial disputes by workman/employer related to employment was launched by Secretary (Labour & Employment) on 6<sup>th</sup> February, 2019. The portal is user friendly, makes monitoring of disputes transparent, allows for quick retrieval of information, and will help in providing speedy justice to workmen. At present the portal is being run in 6 states (viz. Delhi, Rajasthan, Chhattisgarh, Karnataka, Orissa and Madhya Pradesh) on pilot basis.

### **3.35 PURPOSE OF SAMADHAN PORTAL**

1. This online portal is devised to make it workers' friendly, easy to understand for filing dispute, transparency in a way that status will be visible to all stake holders at all times. Moreover, the Portal will ensure accountability which will make process more effective and efficient.
2. It introduces the workers to an easy way of filing their dispute with the appropriate Conciliation Officer, uploading of documents thereby reducing the time taken in filing and compiling documents for the industrial disputes.
3. The provision of the concept of draft before submission enables the worker to file/upload document as per his convenience before final submission.
4. Processing of the dispute is made easy.
5. Consolidated documents now directly go to CGIT in case of reference to CGIT, thus saving considerable time of communication.

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6. The paradigm shift in governance of Industrial Dispute statute will ensure maintenance of peaceful work culture in the industry so that industrial growth doesn't suffer and rights of the employees are protected.

### 3.36 Objective- The advantage of the SAMADHAN Portal is to

1. Encourage transparency which ensures justice and trust by workers on the governance of the Government.
2. Ensures Quick disposal of disputes.
3. Ensures monitoring of progress of disputes.
4. Process made simple and lucid for the workers to understand.
5. Aggrieved worker can handle his own case independently by himself without taking assistance of any middle man or trade union.
6. Cases falling under Section 2-A are directly referred to CGIT after lapse of 45 days before Conciliation officer which would reduce the time taken in manual application for redressal.
7. System enables automatic distribution of disputes to the concerned Conciliation Officers.
8. This is an indicator of successful conciliation and make assessment easy.
9. Being an integrated portal, the workers, Conciliation Officers, CGIT and Government have access to the documents for analysis.
10. Facilitates officers handling the dispute and make dispute redressal faster by doing away with red-tapism.
11. Increases awareness of workers about their rights.
12. Bunch of documents uploaded can be utilized

from time to time by the concerned officers and doing away with missing and repeated submission of document.

13. The portal used by workers, Conciliation Officers/Appropriate Government and CGIT complements the functioning of each other which would reduce the gap in communication.
14. It gives bird's eye view of the status of cases files, disposed of, pending, implemented, including statistics and thus will strength the monitoring system.

### Monitoring of Industrial Relations

**3.37** Based on the information received from Labour Bureau on the number and spatial dispersion of strikes/lockouts, number of workers involved and mandays lost, number of units reporting retrenchment and the extent of layoffs, the Ministry monitors the industrial harmony prevalent in the country.

**3.38** The total number of strikes and lockouts and mandays lost during the period 2015-2019(P) are as follows:

No. of Strikes and Lockouts and Mandays lost during 2015-2019(P)

Year	Strikes	Lockouts	Total	Man-days lost
2015(P)	112	29	141	4,014,559
2016(P)	104	26	130	4,619,868
2017(P)	84	22	106	3,544,156
2018(P)	62	14	76	1,292,695
2019(P)	59	9	68	1,044,269

*Source: Labour Bureau, Shimla*

*(P): Provisional and based on the returns/clarifications received in the Bureau till 31<sup>st</sup> October, 2019*

*Note: Provisional as the data has not been provided by some States/UTs.*



**3.39** The spatial/industry wise dispersion of the number of strikes and lockouts and the workers consequently affected is not uniform. Mandays lost is a direct measure of the impact of industrial unrest on industrial production.

**3.40** Most of the industrial unrests, as indicated by strikes and lockouts, are primarily caused by issues relating to indiscipline & violence, wages & allowances and personnel matters.

### Closure

**3.41** The number of units effecting closure in both Central and State sphere during the last five years are as follows:

**3.42** Closures and workers affected (both in Central and State spheres) during 2015-2019 (P)

Year	Closures	Workers affected
2015(P)	21	1496
2016(P)	26	2079
2017(P)	20	2569
2018(P)	8	537
2019(P)	1	45

*Source: Labour Bureau, Shimla*

*(P): Provisional as data has not been provided by all the States/UTs.*

**3.43** Financial Stringency, shortage of raw materials, question of pollution and others are the main reasons for closures during the period.

### Lay-Off

**3.44** Lay-off can be defined as the failure, refusal or inability of an employer to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched. Supply side bottlenecks such as shortage of power, shortage of raw materials, financial stringency and others as well as seasonal fall in demand for products may result in lay-offs.

**3.45** The number of units effecting lay-off and the number of workers affected due to such lay-off during 2015-2019(P) were as follows:

**3.46** Layoffs and workers affected during 2015 - 2019(P) (both in Central and State spheres)

year	Lay-offs	Workers affected
2015(P)	51	3654
2016(P)	29	4200
2017(P)	38	6449
2018(P)	20	3556
2019(P) (Jan & Feb)	12	2646

*Source: Labour Bureau, Shimla*

*(P): Provisional as the data has not been provided by all the States/UTs.*

### Retrenchment

**3.47** As per the provisions contained in Chapter V-B of the Industrial Disputes Act, 1947, establishments employing 100 persons or more are required to seek prior permission of the appropriate Government in the prescribed application form before effecting closure, retrenchment or lay-off. In the Ministry of Labour & Employment, applications are received for such closures/retrenchments/lay-offs from establishment falling in the Central sphere. These applications are examined and hearing is held in order to provide an opportunity to both the management and the workers to make submissions on issues pertaining to the proposed action of the management. Based on the oral and written submissions made by the parties, and considering the reasonableness/ genuineness of the management's application, a decision to grant/ not grant permission for closure, retrenchment or lay-off is taken. Whenever permission is granted, it is ensured that workers' interests are protected as far as possible.

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**3.48** The number of units effecting retrenchment and workers retrenched therein during the period 2015-2019(P) are as follows:

Retrenchment and workers affected during 2015-2019(P) (both in Central and State spheres)

Year	Retrenchment	Workers affected
2015(P)	12	533
2016(P)	5	3654
2017(P)	4	87
2018(P)	6	71
2019(P)	1	-

*Source: Labour Bureau, Shimla*

*(P): Provisional as the data has not been provided by all the States/UTs. - Nil*

### **Industrial Tripartite Committees**

**3.49** Industrial Tripartite Committees (ITCs) have been constituted with the view to promote the spirit of tripartism. These tripartite bodies provide a forum where the social partners can appreciate each other's industry specific problems through dialogue and help in evolving consensual policy options. These Committees are non-statutory Committees and their meetings are convened as and when required. Government's proactive role in these Committees has successfully harmonized the interest of the employers and workers resulting in a change of attitude from confrontation to that of co-operation.

### **The Trade Unions Act, 1926**

**3.50** The Trade Unions Act, 1926 is a Central Act, but administered by the State Governments. This Act provides for registration of Trade Unions of workers and in certain respects, it defines the law relating to registered Trade Unions.

**3.51** The Trade Unions Act, 1926 was last amended 2001 and enforced w.e.f. 9.1.2002. The objective of this amendment is to ensure orderly

growth of Trade Unions and reduce multiplicity of Trade Unions and promote internal democracy.

**3.52** The Trade Unions Act, 1926 is being merged in the Industrial Relations Code and it has been decided to incorporate the said amendments in the Industrial Relations Code.

### **The Industrial Disputes Act, 1947.**

**3.53** The Industrial Disputes Act, 1947 provides for investigation and settlement of industrial disputes. The main objectives of the Act are : promotion of measures for securing and preserving amity and good relations between the employer and workmen; investigation and settlement of industrial disputes between employers and employees, employers and workmen or workmen and workmen, prevention of illegal strikes and lock-outs; relief to workmen in the matter of lay-off and retrenchment; and collective bargaining.

**3.54** The Industrial Disputes Act, 1947 was lastly amended in 2010 and enforced w.e.f. 15.9.2010 enhancing the wage ceiling of supervisors, providing direct access for the workman to the Labour Court or Tribunal and establishing of Grievance Redressal Machinery.

**3.55** During 2018, the First Schedule to the Industrial Disputes Act, 1947 was amended by inserting "Chemical Fertilizers Industry" as item 33, vide notification No.S.O.6362(E) dated 28.12.2018.

**3.56** To reduce the time taken in processing of an Industrial dispute, Ministry of Labour & Employment delegated the power of appropriate Government conferred by Section 39 of the Industrial Disputes Act, 1947 to the Conciliation Officer to directly refer the industrial disputes under Section 2A of the I.D. Act to Labour Court or Tribunal for adjudication instead of filing a report to the appropriate Government, if no settlement could be arrived at in the course of conciliation

proceedings vide Notification No. S.O.1936(E) dated 10.06.2019.

**3.57** The Industrial Disputes Act, 1947 is being merged in the Industrial Relations Code.

#### **The Plantations Labour Act, 1951**

**3.58** The Plantations Labour Act, 1951 is a Central Act but administered by the State Governments. The Act provides for the welfare of plantation labour and it regulates the conditions of work in plantations. This Legislation is applied to all tea, coffee, rubber, cinchona and cardamom plantations which measures 5 hectares or more in which 15 or more persons are working. The State Governments are also vested with powers to extend all or any of the provisions of the Act to any plantation notwithstanding it measures less than 5 hectares or the number of persons employed therein is less than 15. The Act covers Offices, hospitals, dispensaries, schools and crèches within the plantation premises. The Act contains important provisions related to health, welfare, hours of work, rest intervals, prohibition on employment of children etc.

**3.59** Keeping in view the changing social, economic and industrial relations scenario in the country, the Government amended the Plantations Labour Act, 1951 which was enforced w.e.f. 7.6.2010. The objectives of these amendments are to make the Act more welfare oriented for the workers in the plantations sector.

**3.60** The Plantations Labour Act, 1951 is being merged in the Occupational Safety, Health and Working Conditions (OSH) Code 2019 which has been introduced in Lok Sabha on 23.7.2019.

#### **The Industrial Employment (Standing Orders) Act, 1946**

**3.61** The Industrial Employment (Standing Orders) Act, 1946 is an Act enacted to require employers in the industrial establishments formally to define with sufficient precision the

conditions of employment under them and to make the said conditions of employment known to workmen employed by them for which they have to get the Standing Orders certified which should be in conformity with the Model Standing Order. This Act applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months viz. (i) industrial establishments as defined in Section 2(ii) of the Payment of Wages Act, 1936; (ii) Section 2(m) of the Factories act, 1948; (iii) Railways; (iv) establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial establishment, employs workmen. Appropriate Government is competent to extend the Act to other classes of industrial establishments or to grant exemption where necessary.

**3.62** The category of 'Fixed Term Employment Workman' was incorporated under the Industrial Employment (Standing Orders) Act, 1946 and Rules made thereunder for all sectors vide Notification No.G.S.R.235(E) dated 16.3.2018.

**3.63** The Industrial Employment (Standing Orders) Act, 1946 is being merged in the Industrial Relations Code.

#### **The Sales Promotion Employees (Conditions of Service) Act, 1976.**

**3.64** The Sales Promotion (Employees) (Conditions of Service) Act, 1976 is a Central Act which came into force w.e.f. 6.3.1976. The main purpose of the Act is to regulate certain conditions of service of sales promotion employees in certain establishments. Initially this Act was applicable only to the sales promotion employees engaged in pharmaceutical industry. Thereafter the schedule of the Act has been amended and the Act was made applicable to additional 10 Industries vide Notification No.S.O.217(E) dated 31.1.2011 which are as under:

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- (i) Cosmetics, soaps, household cleaners and disinfectants.
- (ii) Readymade garments
- (iii) Soft drink manufacturing industries
- (iv) Biscuits and confectioneries
- (v) Ayurvedic, Unani and Homeopathic Medicines
- (vi) Automobiles including accessories and spare parts
- (vii) Surgical equipments, artificial prosthesis and diagnostics
- (viii) Electronics, computers including accessories and spares
- (ix) Electrical appliances
- (x) Paints and varnishes

**3.65** The Act stipulates that provision of Workmen's Compensation Act, 1923, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Maternity Benefit Act, 1961, the Payment of Bonus Act, 1965, the Payment of Gratuity Act, 1972 may apply to the sales promotion employees.

**3.66** Central Government is empowered to make rules under the Act.

**3.67** A meeting of the Industrial Tripartite Committee for Sales Promotion Employees was held on 8.8.2017 under the chairmanship of Hon'ble Minister of State for Labour & Employment (IC) wherein it was decided to frame statutory working rules for sales promotion employees. The statutory working rules for sales promotion employees are under consideration of this Ministry.

**3.68** The Sales Promotion (Employees) (Conditions of Service) Act, 1976 is being merged in the Occupational Safety, Health and Working Conditions (OSH) Code 2019 which has been introduced in Lok Sabha on 23.7.2019.

**The Motor Transport Workers Act, 1961:**

**3.69** The Motor Transport Workers Act, 1961 provides for the welfare of motor transport workers and to regulate the conditions of their work like medical facilities, welfare facilities, hours of work spread over, period of rest, overtime and annual leave with pay etc. This Act is being merged in the Occupational Safety, Health and Working Conditions (OSH) Code 2019 which has been introduced in Lok Sabha on 23.7.2019.



## CHAPTER - 4

### PRODUCTIVITY

#### Prime Minister's Shram Award Scheme

**4.1** To give recognition to outstanding contributions towards production and productivity, technological innovations, cost saving, import substitution, saving of foreign exchange and for showing exemplary zeal and enthusiasm in the discharge of duties, the Ministry of Labour & Employment administers a scheme entitled 'Prime Minister's Shram Awards' to workmen (as defined in the Industrial Dispute Act, 1947) employed in Departmental / 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. Only those workmen are eligible for the awards, who are engaged in manufacturing and productive processes and whose performance is assessable. These awards are announced every year generally on the eve of either Republic Day or Independence Day. The awards in the order of precedence are Shram Ratna, Shram Bhushan, Shram Vir/Shram Veerangana and Shram Shree/Shram Devi. Shram Awards were set up by the Government of India in 1985 to recognize the outstanding contributions of workers in different fields.

**4.2** Prime Minister Shram Award was not held in the year 2019.

#### Vishwakarma Rashtriya Puraskar & National Safety Awards

**4.3** The DGFASLI on behalf of the Ministry of Labour & Employment has been implementing the Vishwakarma Rashtriya Puraskar (VRP) (earlier known as Shram Vir National Awards) and the

National Safety Awards scheme since 1965. These schemes were modified in 1971, 1978 and again in 2007. The schemes presently in operation are as follows:

**(I) Vishwakarma Rashtriya Puraskar:** It is designed to give recognition at the national level to outstanding suggestions resulting in

- (i) Higher Productivity
- (ii) Improvement in safety and working conditions
- (iii) Savings in foreign exchange (import substitution as well as quality and safety of products)
- (iv) Improvement in overall efficiency of the establishments.

The prizes are grouped in three classes:

- (a) Applications ranked 1 to 5 (5 Awards)-Class "A" Awards Rs.75, 000/- each
- (b) Applications ranked 6 to 13 (8 Awards)-Class "B" Awards Rs.50, 000/- each
- (c) Applications ranked 14 to 28 (15 Awards)-Class "C" Awards RS.25, 000/- each

These awards are applicable to the workers of Industrial establishments covered under the Factories Act, 1948, the employees covered under the Dock Workers (Safety, Health and Welfare) Act 1986, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Installations under Atomic Energy Regulatory Board (AERB).

**(II) National Safety Awards:** National Safety

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Awards are given in recognition of outstanding 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, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Installations under Atomic Energy Regulatory Board (AERB).

Under each award, a Shield and a Certificate of Merit is given to each of the Award Winners and Runners-up. The establishments are classified in

different schemes on the basis of working of man-hours. Schemes I to X are meant for factories, construction sites and nuclear Installations and Schemes XI and XII are for Ports.

The award presentation function for Vishwakarma Rashtriya Puraskar (VRP) & National Safety Awards (NSA) for the performance year 2017 was held at Vigyan Bhawan, New Delhi on 17<sup>th</sup> September' 2019. The awards were presented by the Hon'ble Minister of State for Labour & Employment (Independent Charge), Shri Santosh Kumar Gangwar.

**Vishwakarma Rashtriya Puraskar (VRP) & National Safety Awards (NSA)**  
**for the performance year 2017**

<b>Award</b>	<b>No. of applications received</b>	<b>Applications selected for awards</b>	<b>No. of awardees</b>	<b>Awards given</b>
Vishwakarma Rashtriya Puraskar	197	28	131	1) Applications ranked 1 to 5 - Class "A" Award- <sup>1</sup> 75,000 each  2) Applications ranked 6 to 13 - Class "B" Award- <sup>1</sup> 50,000 each  3) Applications ranked 14 to 28- Class "C" Award- <sup>1</sup> 25,000 each
National Safety Awards	166	89	81-Winners 49-Runners up	A Shield and a Certificate of Merit is given to each

## CHAPTER- 5

### WAGES

#### Introduction

**5.1** In a labour surplus country like India, it is difficult to have an uniform and comprehensive wage policy for all sectors of the economy. Wages in the organized sector are generally determined through negotiations and settlements between the employer and the employees. In the unorganized sector, however, labour is vulnerable to exploitation due to illiteracy and lack of effective bargaining power. The minimum rates of wages are fixed both by the Central and the State Governments in the scheduled employments falling within their respective jurisdictions under the provisions of the Minimum Wages Act, 1948. The Act binds the employers to pay the workers the minimum wages so fixed from time to time.

#### Minimum Wages Act, 1948

**5.2** Under the Minimum Wages Act, 1948 (the Act) both the Central and the State Governments are “Appropriate Governments” for fixation/revision of minimum rates of wages for the scheduled employments at an interval not exceeding five years. There are 45 scheduled employments in the Central sphere while in the State sphere the number (cumulative) of such employments is 1709. The Central Government has notified increase in the basic rate of minimum wages for all sectors in the Central sphere w.e.f. 19.01.2017. For the first time minimum wages for all sectors in the Central sphere, namely agricultural, non-agricultural, construction, etc. have been increased by 42% approximately.

**5.3** On the recommendation of the Central Advisory Board (CAB) on minimum wages, an Expert Committee on “ Determining the

Methodology for fixing the National Minimum Wage” under the Chairmanship of Dr.AnoopSatpathy, Fellow, V.V. Giri National Labour Institute, with members, Mr. Xavier Estupinan, Wages Specialist, ILO DWT for South Asia and Country Office for India; Dr.Anup K Kiran, Additional Professor, Public Health Foundation of India (PHFI); Ms.AnujaBapat, ISS, Director (MoLE); Mr.Mushtaque Ahmad Khan, ISS, Deputy Director (MoLE); Mr.Bikash Kumar Malick, IES, Assistant Director (MoLE) and Ms.RachnaBolimera, IES, Assistant Director (MoLE) was setup on 12.01.2018. The Committee submitted its report on 14<sup>th</sup> February, 2019 to the Secretary, Ministry of Labour & Employment.



**5.4** The minimum rates of wages also include Special Allowance i.e. Variable Dearness Allowance (VDA) linked to Consumer Price Index Number, which is revised twice a year effective from 1st April and 1<sup>st</sup> October. The Central Government and twenty-seven States/UTs have adopted VDA as a component of minimum wage. Both the Central and the State Governments have been revising the minimum wages in respect of scheduled employments from time to time. Latest revised rates of minimum wages including VDA applicable in Central Sphere **w.e.f. 01.10.2019** are at **Table 5.1**.

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## National Floor Level Minimum Wage

**5.5** In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, the concept of National Floor Level Minimum Wage as a non statutory measure was mooted on the basis of the recommendations of the National Commission on Rural Labour (NCRL) in 1991. On the basis of increase in the Consumer Price Index, the Central Government has revised the National Floor Level Minimum Wage from Rs. 160/- to Rs.176/- per day with effect from 01.06.2017.

**Central Advisory Board (CAB)**

**5.6** The Central Government has re-constituted the Central Advisory Board (CAB) vide Notification No. S.O. 898 (E) dated 27<sup>th</sup> February, 2019 under Section 8 of the Minimum Wages Act, 1948. Present Chairman of the board is Hon'ble Member of Parliament, ShriPankajChowdhary.

**Minimum Wages Advisory Board (MWAB)**

**5.7** The Central Government has re-constituted the Minimum Wages Advisory Board (MWAB) vide Notification No. S.O. 527 (E) dated 29<sup>th</sup> January, 2019 under Section 7 of the Minimum Wages Act, 1948. Present Chairman of the Board is Hon'ble Minister of Labour & Employment (I/C).

**5.8** The proposal for amendment of the Minimum Wages Act, 1948 for omission of Sec. 2(a) of the Act relating to definition of "scheduled employment" is not being pursued presently as the Payment of Bonus (Amended) Act, 2015 has been challenged in various High Courts. Department of Legal Affairs has opined to wait till vacation of stay and disposal of the writ petitions as definition of the "scheduled employment " is common in both the Minimum Wages Act,1948 and the Payment of Bonus (Amendment) Act, 2015.

**5.9** However, the Code on Wages, 2019 has been notified on 08.08.2019. The revised minimum

wages will be determined as per the rules framed under the "Code on Wages, 2019".

**Enforcement of the Minimum Wages Act, 1948**

**5.10** The Government is committed to enhance the welfare and well-being of farm labour and workers particularly those in the unorganized sector and to ensure implementation of the Minimum Wages Act, 1948. The enforcement of the Minimum Wages Act, 1948 is ensured at two levels. Minimum Wages under the Central sphere are enforced through Central Industrial Relations Machinery (CIRM). The position in respect of cases of enforcement by CIRM for the Year 2018-19 is provided in **Table 5.2**. In the State sphere, the State Enforcement Machinery ensures enforcement of the Minimum Wages Act, 1948. The position of enforcement of this Act in different States/UTs during 2016-17 is shown in **Table 5.3**.

**The Payment of Wages Act, 1936**

**5.11** The Payment of Wages Act, 1936 was enacted to regulate payment of wages to workers employed in industries and to ensure speedy and effective remedy to them against illegal deductions and/or unjustified delay caused in paying wages in current coin, or currency notes or by cheque or by crediting in the bank account of the workers.

**5.12** The Payment of Wages (Amendment) Act, 2017-Section 6 of the Payment of Wages Act, 1936 has been amended on 16.02.2017 to enable making payment of wages in current coin or currency notes or by cheque or by crediting in the bank account of the workers. The amendment made also enables that the appropriate Government may, by notification in the Official Gazette, specify the industrial or other establishment, the employer of which shall pay to every person employed in such industrial or other establishment, the wages only by cheque or by crediting the wages in the bank account.



**5.13** Provision for making payment only by cheque or by crediting in the bank account of an employee, in respect of industrial or other establishments namely Railways, Air transport services, Mines and Oil fields in the Central Sphere has been notified on 26.04.2017.

**5.14** The wage ceiling for applicability of the Payment of Wages Act, 1936, was fixed at Rs. 1600/- p.m. in 1982. This wage ceiling has been periodically revised on the basis of the Consumer Expenditure Survey brought out by the National Sample Survey Office, after every five years. The Central Government has enhanced the wage ceiling from Rs.18,000/- to Rs. 24,000/- per month w.e.f. 29.08.2017 for applicability of the Act.

#### **The Payment of Wages (Nomination) Rules, 2009**

**5.15** In pursuance of the recommendation of the Special Task Force set up by the Ministry of Women and Child Development for providing complete equality to women vis-a-vis men in terms of payment of wages, the Central Government, in exercise of powers conferred in sub-section (3) of section 26 of the Payment of Wages Act, 1936, has notified the Payment of Wages (Nomination) Rules, 2009, vide notification GSR No 822 (E) dated 29<sup>th</sup> June, 2009 defining the procedure for nomination and restricting the nomination by workers to his /her family members as far as applicable.

#### **Wage Board**

**5.16** In the 1950s and 60s, when the organized labour sector was at a nascent stage of development, the Government in appreciation of the problems of wage fixation in some sectors, constituted need based Wage Boards from time to time in line with the accepted policy of the Ministry of Labour. The Wage Boards are tripartite in character in which representatives of workers,

employers and independent members participate and finalize the recommendations. At present, there is provision for only two Wage Boards, one for the Working Journalists and the other for the Non-Journalist Newspaper Employees which are in operation as statutory Wage Boards. All other Wage Boards have ceased to exist.

#### **Wage Boards for Newspaper Employees.**

**5.17** The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (the Act) provides for regulation of conditions of service of working journalists and other persons employed in newspaper establishments. Section 9 and Section 13C of the Act, inter-alia, provide for setting up of Wage Boards for fixation and revision of rates of wages in respect of working journalists and non-journalist newspaper/news agency employees respectively. According to the Act, Wage Boards shall consist of the following:

- Three persons representing employers in relation to newspaper establishment;
- Three persons, representing working journalists for Wage Board under Section 9 and three persons representing non-journalist newspaper employees for Wage Board under Section 13 C of the Act.
- Four independent persons, one of whom shall be a person who is or has been a Judge of a High Court or the Supreme court, and who shall be appointed by the Government as the Chairman thereof.

**5.18** The Act does not lay down the periodicity for constituting the Wage Board-. In the past, various Wage Boards for Working Journalists and Non-Journalist Newspaper Employees were set up from time to time as shown in the Table below:-

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Sl. No.	Name of the Industry	Date of appointment of Wage Board	Date on which final report was submitted to the Government	Date of acceptance of the recommendation by the Government	Name of the Wage Board
1	2	3	4	5	6
I.	Wage Board for Working Journalists	02-05-1956	NA	11-05-1957	<b>Divatia Wage Board</b>
II.	(a) Wage Board for Working Journalists	12-11-1963	17-07-1967	27-10-1967	<b>Shinde Wage Board</b>
	(b) Wage Board for Non-Journalist Newspaper Employees	25-02-1964	17-07-1967	18-11-1967	
III.	(a) Wage Board for Working Journalists	11-06-1975	13-08-1980	26-12-1980 & 20-07-1981	<b>Palekar Wage Board</b>
	Wage Board for Non-Journalist Newspaper Employees	06-02-1976			
IV.	Wage Board for Working Journalists and Non-Journalist Newspaper Employees	17-07-1985	30-05-1989	31-08-1989	<b>Bachawat Wage Board</b>
V.	Wage Board for Working Journalists and Non-Journalist Newspaper Employees	02-09-1994	25-07-2000	05-12-2000 & 15-12-2000	<b>Manisana Wage Board</b>
VI.	Wage Board for Working Journalists & Non-Journalist Newspaper Employees	24-05-2007	31-12-2010	11-11-2011	<b>Majithia Wage Board</b>

**5.19** The Government constituted two Wage Boards – one for Working Journalists and other for Non-Journalist Newspaper Employees under Section 9 and Section 13 C respectively of the Working Journalists and Other Newspaper Employees (Conditions of Service) &

Miscellaneous Provisions Act, 1955 and appointed Justice G. R. Majithia, retired Judge of the High Court of Bombay as common Chairman vide notification in the Gazette of India (Extra Ordinary) S.O. Nos. 809 (E) and 810(E) dated 24.5.2007.

**5.20** The Government, in consultation with the Wage Boards for Working Journalists and Non-Journalist Newspaper Employees, notified the grant of interim rates of wages to journalists and other newspaper employees and news agency employees at the rate of 30% of the basic wage with effect from 08.01.2008 vide Notification numbers S. O. No.2524 (E) and S. O. No. 2525 (E) dated 24.10.2008.

**5.21** The Wage Boards submitted their final Report to the Government on 31.12.2010. The Cabinet in its meeting held on 25.10.2011 approved the proposal to accept the recommendations of the Wage Boards for Working Journalists and Non-Journalist Newspaper Employees of Newspaper Establishments and News Agencies, as contained in the Ministry's Cabinet Note dated 07.10.2011.

**5.22** The recommendations of the Majithia Wage Board as accepted by the Government were notified in the Official Gazette vide S. O. No. 2532 (E) dated 11.11.2011. The constitution and recommendations of the Majithia Wage Board were challenged through Writ Petitions filed by newspaper establishments before the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed all the Writ Petitions and directed that the wages as revised/determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of the Majithia Wage Board. Also, in its final judgement, Hon'ble Supreme Court issued directions to all the State Governments to appoint Inspectors so as to determine whether the dues and entitlements of all categories of newspaper employees including journalists under the Majithia Wage Board Award have been implemented in accordance with the terms thereof. As the implementation of the recommendations rests with the State Government/UTs, this was communicated to the State Governments and Union Territory Administrations for compliance. The Majithia Wage Board Recommendations are presently in vogue.

**5.23** In order to monitor the implementation of the notification, a Central Level Monitoring Committee (CLMC) has been set up under the Chairmanship of Principal Labour & Employment Advisor. The composition of the CLMC modified vide this Ministry's order No.V-24011/1/2018-WB dated 15.5.2018 is as under:

- |      |   |                  |
|------|---|------------------|
| i.   | Additional Secretary, Ministry of Labour & Employment   | Chairman         |
| ii.  | Joint Secretary, Ministry of Labour & Employment        | Member           |
| iii. | Joint Secretary, Ministry of Information & Broadcasting | Member           |
| iv.  | Chief Labour Commissioner (Central)                     | Member           |
| v.   | Director, Ministry of Labour & Employment               | Member Secretary |

**5.24** The Committee has been meeting periodically from time to time both at Regional and National Level (New Delhi). The last meeting of the Committee was held at New Delhi on 09.07.2018 covering all States/UTs to review the implementation of the Wage Board Awards in the country. In the last CLMC meeting the representatives of States/ UTs were directed to gear up the monitoring mechanism at the State Level and to conduct regular inspections. The implementation status is obtained from the States/ UTs through Quarterly Progress Reports. Out of 37 States and UTs (including UT of Jammu & Kashmir and UT of Ladakh), 27 have constituted Tripartite Committee in order to monitor the state level implementation status. Out of the remaining 10 States/UTs, provision of Tripartite Committee is not applicable to 4 States/UTs (single-man establishment) while no information has been received from 6 States/UTs. The implementation status of Majithia Wage Board recommendations in the States/ UTs as on date are: 24.57% - Fully Implemented, 5.21% - Partially Implemented. Tamil Nadu (98.7%), Rajasthan (87.5%), Andhra

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Pradesh (82.4%), Kerala (64.7%) and Chhattisgarh (62.2%) are the leading States in implementing the Majithia Wage Board recommendations.

**5.25** In compliance of the order dated 05-12-2018 passed by the Hon'ble High Court of Delhi in LPA 549/2018 and C.M. No. 39593/2018 in the matter of The Statesman Limited Vs Union of India and Others, the notifications dated 05-12-2000 and 15-12-2000 notifying the recommendations of Manisana Wage Board for the Working Journalists and Non-Journalist Newspaper Employees are being processed for re-notification. In this regard, the Gazette Order S.O. 1731 (E) dated 14.05.2019, in the form of notice was placed in public domain to seek the comments of the stakeholders, if any, in compliance of Section 12 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 within the stipulated time i.e. 30 days from the date of publication of draft Order. The comments/views of the stakeholders have since been received and the matter is being processed for consultation and opinion of the Ministry of Law & Justice before its final publication in the Gazette.

**THE PAYMENT OF BONUS ACT, 1965**

**5.26** The Payment of Bonus Act, 1965 (the Act) provides for the payment of bonus to persons employed in certain establishments, employing 20 or more persons, on the basis of profits or on the basis of production or productivity and for matters connected therewith.

**5.27** The minimum bonus of 8.33% is to be paid by every industry and establishment under Section 10 of the Act. The maximum bonus including productivity linked bonus that can be paid in any accounting year shall not exceed 20% of the salary/wage of an employee under Section 31 A of the Act.

**5.28** Two ceilings are available under the Payment of Bonus Act, 1965. The limit specified under Section 2 (13) which defines an eligible employee under the Act, is generally known as the eligibility limit. Similarly, the limit prescribed for calculation of bonus under Section 12 is known as the calculation ceiling. The two ceilings are revised to keep pace with the price rise and increase in the salary structure. The revisions of the two ceilings over the years are as follows:

Sl. No.	Year of Amendment	Eligibility limit (Rupees per month)	Calculating Ceiling (Rupees per month)
1.	1965	1,600	750
2.	1985	2,500	1,600
3.	1995	3,500	2,500
4.	2007	10,000	3,500
5.	2016 (w.e.f. 01.04.2014)	21,000	7,000 per mensem or the minimum wage for the scheduled employment, as fixed by the appropriate Government, whichever is higher.

**5.29** As per the Payment of Bonus (Amendment) Act, 2015, which was notified in the Gazette of India on 1.1.2016 and brought into operation with effect from 1.4.2014, various establishments throughout the country have filed Writ Petitions challenging the constitutional validity of the said amendment. Ministry has taken a view that all the cases be transferred to Hon'ble Supreme Court under Article 139 A of the Constitution. So far, Ministry has received 149 Writ Petitions filed in various High Courts in the country and Ministry has filed all the transfer petitions in the Hon'ble Supreme Court.



## CHAPTER – 6

### SOCIAL SECURITY

**6.1** The social security schemes in India cover only a small segment of the organized work-force, which may be defined as workers who are having a direct regular employer–employee relationship within an organization. The social security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India. These provide for mandatory social security benefits either solely at the cost of the employers or on the basis of joint contribution of the employers and the employees. While protective entitlements accrue to the employees, the responsibilities for compliance largely rest with the employers.

#### Social Security Laws

**6.2** The principal social security laws enacted for the organised sector in India are:

- **The Employees' State Insurance Act, 1948;**
- **The Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (Separate provident fund legislations exist for workers employed in coal mines and tea plantations in the state of Assam and for seamen);**
- **The Employee's Compensation Act, 1923;**
- **The Maternity Benefit Act, 1961;**
- **The Payment of Gratuity Act, 1972**

#### Administration of Social Security Acts

**6.3** The provisions of the Employee's Compensation Act, 1923 are being administered

exclusively by the State Governments. Cash benefits under the Employees' State Insurance Act, 1948 are administered by the Central Government through the Employees' State Insurance Corporation (ESIC), whereas the State Governments and Union Territory Administrations are administering medical care alongwith ESIC under the Employees' State Insurance Act, 1948. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is administered by the Government of India through the Employees' Provident Fund Organisation (EPFO). In mines and circus industry, the provisions of the Maternity Benefit Act, 1961 are being administered by the Central Government through the Chief Labour Commissioner (Central) and by the State Governments in factories, plantations and other establishments. The Payment of Gratuity Act, 1972 is administered by the Central Government in establishments under its control, establishments having branches in more than one State, major ports, mines, oil-fields and railway companies and by the State Governments and Union Territory Administrations in all other cases. This Act applies to factories and other establishments.

#### The Employees State Insurance Act, 1948

##### 6.4 Coverage

The Employees' State Insurance Act, 1948 applies to factories employing 10 or more persons. The provisions of the Act are being brought into force area-wise in stages. The Act contains an enabling provision under which the "Appropriate Government" is empowered to extend the provisions of the Act to other classes of establishments, industrial, commercial

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agricultural or otherwise. Under these provisions, the appropriate Governments have extended the provisions of the Act to shops, hotels, restaurants, cinemas including preview theatres, road motor transport undertakings, newspaper establishments, educational & medical institutions, establishments engaged in insurance business, Non-Banking Financial Companies, Port Trust, Airport Authorities and warehousing establishments etc. employing 10 or more employees. Employees of factories and establishments covered under the Act drawing monthly wages up to Rs 21000 per month and Rs 25,000/- per month for persons with disabilities are covered under the scheme. The ESI Scheme is now operated in 34 States/ Union Territories. As on 31.03.2019, 3.49 Crore Insured Persons and 13.56 crore beneficiaries are covered under the scheme.

**Administration**

**6.5** The ESI Scheme is administered by a statutory body called the Employees' State Insurance Corporation (ESIC), which has members representing Employers', Employees, Central and State Governments, Medical Profession and the Parliament. The Union Minister for Labour & Employment is the Chairman. A standing Committee, constituted from among the members of the Corporation, acts as the executive body for administration of the Scheme and is chaired by the Secretary, Ministry of Labour & Employment. There are **26** Regional Boards and **251** Local Committees. The Director General is the Chief Executive Officer of the Corporation and is also an ex-officio member of the Corporation as well as its Standing Committee. The Hqrs. of the ESI Corporation is located at New Delhi. The Corporation has **64** field offices- **24** Regional Offices, **40** Sub Regional Offices. Besides, there are **608** Branch Offices, **29** Dispensary cum Branch Offices (DCBO) and **185** Pay Offices for administration of cash benefits to Insured Persons. For inspection and coverage of new

factories/Establishment, **341** Inspection offices also set up across the Country.

**6.6 Funding and operating of the ESI Scheme**

The ESI Scheme is mainly financed by contributions from the employers and employees. The rate of the employer's and the employee's share of contribution are 3.25% and 0.75% respectively. The Corporation has prescribed a ceiling on reimbursement of Medical care Expenditure of State Govt. At present the prescribed ceiling is Rs 3,000/-per Insured Persons family per Annum, on medical benefit is shared between ESI Corporation and State Government in the ratio of 7:1 within the ceiling. Subject to certain conditions, creation of State Autonomous Body by the states under section 58(5) of ESI Act has been initiated where additional incentive of bearing 100% expenditure up to the ceiling is proposed. All capital expenditure on construction of ESI Hospital and other building including their maintenance is borne exclusively by ESIC.

As per Corporation's Resolution approved in the 177<sup>th</sup> meeting on 19.02.2019, ESIC will bear the full expenditure up to the ceiling for a period of 3 years from 2019-20 and State Governments will not be required to bear their share of 1/8<sup>th</sup> expenditure during the period.

**Investment**

**6.7** All contribution received under the ESI Act and all other money belonging to the funds which are not immediately required for defraying day to day expenses are invested in the manner prescribed under Rule 27 of the ESI (Central) Rules, 1950. Investment of ESIC funds was done in fixed deposits of public sector banks till March, 2019. From April, 2019 onwards, investments are being done by Portfolio Manager appointed by the ESI Corporation, as per investment policy of ESIC. As on 30<sup>th</sup> September, 2019 the total investment of funds stands at Rs.99,165.22crore including

an amount of Rs. 15730.17 crore invested in Special Deposit Account with the Central Government.

### **Arrears of ESI dues**

**6.8** A Sum of Rs.3108.65Crore is in arrears as on 31.03.2019 on account of default/dues by the employers of covered factories / establishments. An amount of Rs. 1465.29 Crores was not recoverable, due to various reasons, such as factories having gone into liquidation, BIFR/NCLT Cases, whereabouts of employers not known, dispute in courts, etc. The balance amounting to Rs. 1643.36 Crore, represents recoverable arrears. The ESI Corporation has been taking necessary recovery action through Recovery Machinery, Legal and Penal, and prosecution, under the provisions of the Employee's State Insurance Act – 1948 and under Indian Penal Code for recovery of ESI dues.

### **HEALTH BENEFIT UNDER ESI SCHEME**

**6.9** The Employees' State Insurance Scheme provides comprehensive medical care in the form of medical attendance, treatment, drugs and dressings, specialist consultation and hospitalization to Insured Persons and also to their dependents.

An Insured Person and his dependents are entitled to medical benefits from the day of entry into insurable employment. Insured Persons and their families are being provided medical care which includes outpatient care/ inpatient care, specialized medical care and super specialty medical care as per requirement of the patients. Besides, medical facilities under AYUSH i.e. Ayurveda, Yoga, Unani, Siddha and Homeopathy are also provided.

Medical care to beneficiaries is provided through a large infrastructure comprising Hospitals, Dispensaries, Annexes, Specialist centers, Model Dispensaries- cum- Diagnostic Centres (MDDC),

IMP clinics, Modified- IMP and Modified-EUD and tie-up arrangements with other health institutions. The range of medical services provided covers preventive, promotive, curative and rehabilitative services. In-patient services are provided through ESI Hospitals and through empanelment with tie-up private and Govt. hospitals.

### **Paras on Medical Education**

The Corporation has decided to establish Medical colleges, Dental Colleges, Nursing colleges and training Institutes for its Para-medical staff and other employees with a view to improve the quality of services provided under the ESI Scheme. Accordingly, Medical Education Project has been set-up at various locations. The project set-up and being run by ESIC are: -

#### **PG - Institutes:**

P.G. Courses are running at 06 Post Graduate Institutes of Medical Sciences & Research (PGIMSRs) at Rajaji Nagar, Bangalore (Karnataka); K.K. Nagar, Chennai (TN); Joka-Kolkata (WB); Manicktala, Kolkata (WB); Basaidarapur, (New Delhi); & Andheri (E) Mumbai.

#### **Medical Colleges:**

ESIC has established and is running 06 Medical colleges at Rajaji Nagar, Bangalore (Karnataka); K.K. Nagar, Chennai (TN); Joka, Kolkata (WB); Gulbarga, (Karnataka); Faridabad, (Haryana) and Sanathnagar, Hyderabad, (Telangana).

In the academic year 2019-20, 3<sup>rd</sup> Batch of UG (MBBS) students were admitted at ESIC Medical College Rajaji Nagar, Bangalore after grant of recognition of MBBS Course in 2017. 2<sup>nd</sup> Batch of UG(MBBS) students was also admitted at ESIC Medical College at K.K. Nagar, Chennai, Joka, Kolkata & Gulbarga, Karnataka after grant of recognition of MBBS Course in 2018.

Fifth batch of MBBS students was admitted

### *Ministry of Labour & Employment*

to the ESIC Medical College Faridabad, Haryana and Fourth batch of MBBS students at ESIC Medical College, Sanathnagar, Hyderabad.

#### **Dental Colleges:**

ESIC is running 02 Dental Colleges at Rohini, Delhi and Gulbarga, Karnataka. Dental College at Rohini, New Delhi with 50 annual BDS admissions entered its 10<sup>th</sup> year of commencement. Third batch of BDS students (2018-19) was admitted at ESIC Dental College, Gulbarga.

#### **Nursing Colleges:-**

ESIC is running 02 Nursing Colleges at Indiranagar, Bangalore, Karnataka and Gulbarga, Karnataka. ESIC Nursing College, Indiranagar, Bangalore has started in 2013-14 and ESIC Nursing College, Gulbarga, Karnataka has started in 2015-16 with 40 annual admission.

Due to review of decision by the ESI Corporation, regarding Medical Education, the proposed Medical Colleges at Paripally, Coimbatore, & Mandi have been transferred to respective State Govt. who have started MBBS course at their location.

Meanwhile, ESIC has started medical services at associated hospital of proposed Medical College Alwar, Rajasthan and Bihta, Patna (Bihar).

#### **EMPLOYEES' PROVIDENT FUND ORGANISATION**

**6.10** The Employees' Provident Fund Organisation, an autonomous body under the Ministry of Labour & Employment (MoL&E), Government of India, administers the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is a welfare legislation enacted for the purpose of instituting provident

funds, pension fund and deposit linked insurance fund for employees working in factories and other establishments. The Act aims at providing social security and timely monetary assistance to industrial employees and their families when they are in distress and/or unable to meet family and social obligations and to protect them in old age, disablement, early death of bread winner and similar contingencies.

#### **SCHEMES FRAMED UNDER THE EPF & MP ACT, 1952**

**6.11** Following three Schemes have been framed under the Act:-

- (i) The Employees' Provident Funds Scheme, 1952 (EPF) – (w.e.f 1<sup>st</sup> November, 1952)  
*Provident Fund is based on a defined contribution scheme where both the employees and the employers contribute their mandated share.*
- (ii) The Employees' Pension Scheme, 1995 (EPS) (w.e.f 16<sup>th</sup> November, 1995) {replacing the Employees' Family Pension Scheme, 1971}  
*A mix of "defined contribution" and "defined benefit" forms the Pension Scheme. The employees do not have to contribute to this scheme.*
- (iii) The Employees' Deposit Linked Insurance Scheme, 1976 (EDLI) (w.e.f. 1<sup>st</sup> August, 1976)  
*Insurance Scheme is a deposit linked Scheme that provides for benefits up to ₹ 6,00,000/- without any contribution from employees.*

#### **COVERAGE OF ESTABLISHMENTS AND MEMBERS**

**6.12** Presently, the Act is applicable to industries/ classes of establishments specified in Schedule I of the Act or any activity notified by the Central Government in the Official Gazette and employing



twenty or more persons. Apart from the provision for compulsory coverage, provision also exists under Section 1(4) of the Act for voluntary coverage. As on 31.03.2019, there were 12,34,282 establishments and factories covered under the Act with a membership of 22.92crore, both in the Exempted and Un-exempted sectors. With effect from 01-09-2014, an employee, on joining employment in a covered establishment and getting pay upto Rs.15,000/- is required to become a member of the fund. During October, 2019, contribution was received against 4.86 crore members from 5,21,373 establishments covered under the Act.

### **CUMULATIVE CORPUS UNDER THE ACT**

**6.13** Total cumulative investment corpus of all three Schemes administered by EPFO including the corpus managed by exempted Provident Fund Trusts as on 31<sup>st</sup> March, 2019 stands at Rs.15,74,406.24crore. (Provisional)

### **RATE OF INTEREST**

**6.14** The rate of interest declared on the deposits of members to the Employees' Provident Fund was 8.65% (on monthly running balance) for 2018-19.

### **EMPLOYEES' PROVIDENT FUND SCHEME 1952**

#### **SERVICE TO MEMBERS**

**6.15** A member of the Employees Provident Fund Scheme is entitled to withdraw the amount lying in his account together with interest on quitting service. During the year 2018-19, 163.78 lakh EPF claims were settled. The scheme also provides for partial withdrawals from the Provident Fund Account to meet contingencies like illness, unemployment invalidation and also to provide financial assistance to discharge their social responsibilities like marriage of self, children or higher education of children and construction of dwelling house. At the end of a financial year a

member is also entitled to receive annual statement of account indicating the balance in his EPF Account.

### **EMPLOYEES' PENSION SCHEME 1995**

**6.16** The Employees' Pension Scheme 1995 has been introduced with effect from 16.11.1995.

**6.17** The Scheme is financed by transferring 8.33% of the Provident Fund contributions from employers' share and by contribution @ 1.16% of basic wages of employees by the Central Government. All accumulations in the ceased Employees' Family Pension Fund constitute the corpus of the Pension Fund.

### **BENEFITS UNDER THE PENSION SCHEME**

**6.18** The Employees' Pension Scheme, 1995 provides the following benefits to the members and their families:

- Monthly member pension
- Disablement pension
- Widow/ widower pension
- Children pension
- Orphan pension
- Disabled Children/Orphan Pension
- Nominee pension
- Pension to dependent parents
- Withdrawal benefit

**6.19** The category-wise break up of pension claims (all benefits) settled by the Employees' Provident Fund Organisation during the year 2018-19 is indicated in the following Table:

Category of Claims	Number of Claims Settled
Monthly Pension Benefits	3.24 lakh
Other than Monthly Pension	44.95 lakh
TOTAL	48.19 lakh

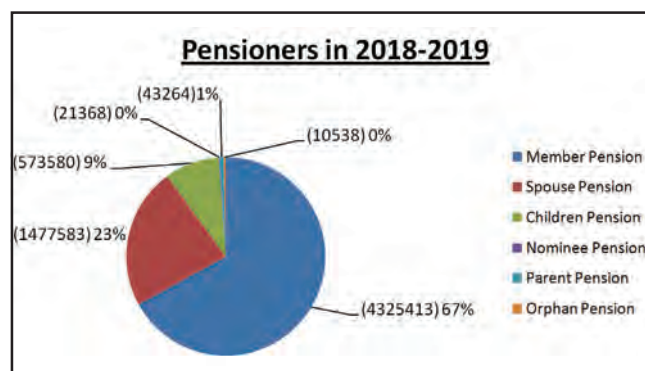
*Ministry of Labour & Employment***PENSION DIVISION****PENSIONERS**

**6.20** The EPS has since its inception grown in terms of the beneficiaries at a rapid pace. In the last five years the overall growth-in terms of the

pensioners being benefited by the scheme-has increased at more than **5%** to **10%** year on year. The increase in the number of pensioners in the last five years are given in the table and the graph below:

Distribution of Pension Categories under the Employees' Pension Scheme, 1995							
Year	Member Pension	Spouse Pension	Children Pension	Nominee Pension	Parent Pension	Orphan Pension	Total Pensioner
2014-15	3566857	890537	586935	10069	19884	30115	5104397
2015-16	3783251	930372	574137	10058	23038	36925	5357781
2016-17	3875335	1139764	570519	12300	31261	20618	5649797
2017-18	4211685	1431613	556510	10562	41740	21080	6273190
2018-19	4325413	1477583	573580	10538	43264	21368	6451746

**6.21** Among the pensioners, the category of member pensioners constitutes almost **67%** of the total number of pensioners with the spouse and children pensioners constituting about **32%** of the pensioners. The distribution of pensioners in the year 2018-2019 is shown in the figure below:-

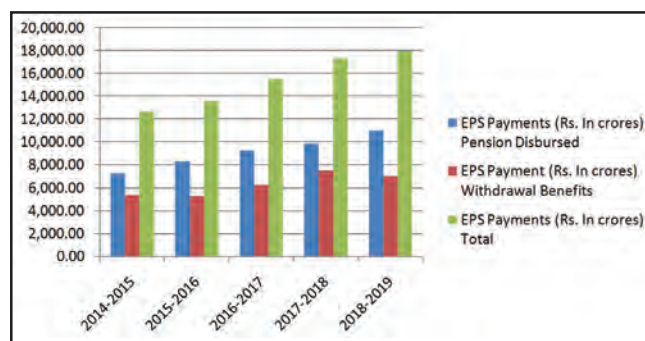


However, the Fund has not witnessed any cash flow problems till now, in spite of there being a projected actuarial deficit in the valuation of the Fund. The outgo from the EPS in the last five years is as below:

EPS Payments (Rs. in crores)			
Year	Pension Disbursed	Withdrawal Benefits	Total
2014-2015	7,212.53	5,388.41	12,600.94
2015-2016	8,263.04	5,282.13	13,545.17
2016-2017	9,212.25	6,297.98	15,510.23
2017-2018	9,844.81	7,471.42	17,316.23
2018-2019	10,966.28	6,983.94	17,950.22

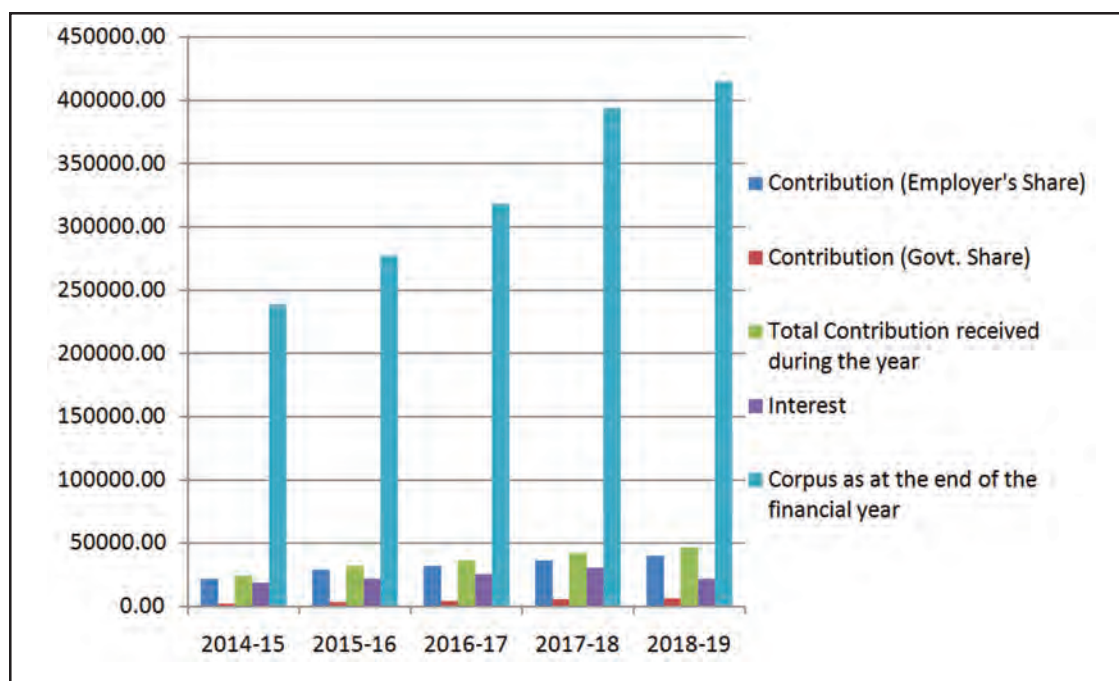
**EPS FUND RECEIPTS, PAYMENTS AND CORPUS**

**6.22** With the increase in the number of pensioners the amount disbursed as pension have also shown a steady increase over the years.

**EPS Payments (Rs. in Crores)**

**6.23** Along with the increase in the pension and withdrawal benefit payments there has been a continuous increase in the receipts and corpus given the growth in the membership as well as general increase in wages. The growth in the receipts and corpus in the previous five years are given in the table and the graph below.

Pension Fund Receipts & Corpus (Rs in crores)					
Year	Contribution (Employer's share)	Contribution (Govt. share)	Total Contribution received during the year	Interest	Corpus as at the end of Financial Year
2014-15	21,951.70	2,299.80	24,251.50	19,097.28	2,38,531.84
2015-16	29,026.88	3,280.20	32,307.08	21,662.14	2,77,077.20
2016-17	32,108.65	4,284.80	36,393.45	25,381.19	3,18,412.38
2017-18	36,618.23	5,757.42	42,375.65	30,260.66	3,93,604.40
2018-19	40,259.74	6,401.90	46,661.64	21,589.62	4,14,687.98

**Pension Fund Receipts & Corpus**

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**6.24** The accumulated corpus of the EPS has grown steadily and since the year 2014-15 the corpus has increased by almost 73.85%. The fund has consistently had more receipts than payment outgo since inception and the position in the previous five years is depicted in the tables and the graph above.

### **IMPLEMENTATION OF MINIMUM PENSION PROVISION**

**6.25** During the year 2014-15, one of the long-awaited demands for implementation of the minimum pension was given effect to. The Central Government had issued Gazette Notification No. 593(E) dated 19.08.2014 providing a minimum

pension of Rs.1,000/- 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.

**6.26** Immediately after the notification, necessary amendments in the application software were made to commence the payment of the revised minimum pension. The payment of pension with the revised minimum pension applicable has commenced from September, 2014. The details of pensioners affected and the amount disbursed in respect of them in the last three years are as follows:

Year	No. of Pensioners benefited	Amount paid as per original pension (Rs. in crores)	Amount Paid as per minimum pension notification (Rs. in crores)	Difference amount (Rs. in crores)
2016-17	18,34,624	1,333.63	2,146.69	813.06
2017-18	17,21,904	1,342.47	2,177.30	834.83
2018-19	19,07,670	1,433.69	2,354.16	920.47

### **ACTUARIAL VALUATION OF THE EMPLOYEES' PENSION SCHEME, 1995**

**6.27** Employees' Pension Scheme, 1995 is a funded scheme with combined features of Defined Benefit and Defined Contribution. Accordingly, the scheme prescribes the rate of contribution payable as well as the scale of benefits admissible. A provision has been made under Para 32 of the Employees' Pension Scheme, 1995 for annual valuation of Employees' Pension Fund by a Valuer appointed by the Central Government.

**6.28** The process of appointment of Actuary for the 22<sup>nd</sup> and 23<sup>rd</sup> valuation of Employees' Pension Fund for the year 2017-18 and 2018-19 has been initiated.

### **PENSION DISBURSEMENT**

**6.29** 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.

**6.30** The disbursement of monthly pension benefits is carried out through the network of branches of banks with which agreements have been made. The Regional Offices have entered into arrangements with Nationalized Commercial Banks for this purpose. Centralized pension disbursement arrangement agreements have also been made with HDFC Bank, ICICI Bank, Axis

Bank and Post offices to disburse pension and other benefits all over India.

### **EMPLOYEES' DEPOSIT LINKED INSURANCE SCHEME**

**6.31** Insurance Scheme came into force on 1<sup>st</sup> August, 1976. This Scheme is supported by a nominal contribution by the employers. No contribution is payable by the Employee for availing the Insurance cover.

### **APPLICATION AND COVERAGE**

**6.32** Insurance Scheme is applicable to all factories/establishments to which the EPF Act 1952 applies. All the employees who are members of the provident fund are members of this Scheme.

### **BENEFITS UNDER THE SCHEME**

**6.33** The following benefits is provided in case of death of an employee who was member of the scheme at the time of death:-

- (i) The family gets an amount linked to either the average balance in PF account during preceding 12 months or during the period of his membership, whichever is less, except where the average balance exceeds rupees fifty thousand, the amount payable shall be rupees fifty thousand plus 40% of the amount in excess of rupees fifty thousand subject to a ceiling of rupees one lakh. The benefit will be further increased by twenty percent.
- (ii) where the deceased member was in the employment of the same establishment for a continuous period of twelve months, preceding the month in which he died, the quantum of benefits will be the average monthly wages drawn (subject to a maximum of Rs.15,000/-) during the twelve months preceding the month in which employee died, multiplied by thirty times plus fifty percent of the average balance in the account of the

deceased in the Fund or of a provident fund exempted under section 17 of the Act or under, paragraph 27 or 27A of the Employees' Provident Funds Scheme, 1952, as the case may be, during the preceding twelve months or during the period of his membership, whichever is less subject to a ceiling of one lakh and fifty thousand rupees.

**6.34** Provided that where the member has rendered continuous service of one year in the same establishment, the assurance benefit shall not be less than two lakh and fifty thousand rupees and should not exceed six lakh rupees.

### **COMPLIANCE AND ARREAR MANAGEMENT**

**6.35** A special enrolment drive was launched starting January 2018 up to June 2018 to enroll and bring left out eligible workers under the ambit of EPFO. The salient features of the enrolment campaign included non-levy of administrative charges on the declarations made, nominal damages @ Rs. 1 p.a only, waiver of employee contribution if not deducted in respect of employees enrolled during the campaign period, **PMPY/PMPRPY** benefits available for new workers. During the enrolment drive, 1,01,31,453 members (with contribution) were enrolled with EPFO.

**6.36** The arrears under all the schemes as on 31<sup>st</sup> March 2019 were of the order of Rs. 7,254.15 crore. Out of this 65.54% pertained to not immediately realizable category being the amount locked in courts and where stay has been granted by the courts. In order to recover the arrears, EPFO takes various actions under the provisions of Section 8 of the Act, 1952. Steps are taken to get the stay orders vacated to recover arrears under the not immediately realizable category. It also launches prosecution against the defaulting employers under Section 14 of the Act and prosecutes employers under section 406/409 of the Indian Penal Code in case they deduct employee's share of contribution but do not remit



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the same to the Fund. During the year 2018-19, arrears amounting to Rs. 3,400.03crore were realized out of a total workload of Rs. 8,664.32crore under both unexempted and exempted sector of establishment

### **PRADHAN MANTRI ROJGAR PROTSHAN YOJNA (PMRPY)**

**6.37** The PradhanMantriRojgarProtsahanYojana (PMRPY) was launched on 9<sup>th</sup> of August, 2016.

**6.38** In order to incentivise creation and generation of new jobs in formal sector, the Scheme provided that Government of India will pay the Employee's Pension Scheme (EPS'95) contribution of 8.33% for all new employees enrolling under the Employees' provident Fund Scheme, 1952 (with EPFO) for the first three years of their employment. This was intended to incentivise the employers to recruit unemployed persons and also to formalize the employment. In order to channelize this intervention towards the target group of semi-skilled and unskilled workers, the Scheme was applicable to those with salary/wages up to Rs 15000/- per month and who had not worked in any establishment registered with EPFO prior to 01/04/2016 and did not have UAN prior to 01/04/2016. This Scheme had a dual benefit, where, on the one hand, the employer is incentivised for increasing the employment base of workers in the establishment, and on the other hand, a large number of workers will find jobs in such establishments. A direct benefit is that these workers will have access to social security benefits of the organised sector. To check duplication errors and prevent unscrupulous members from availing the benefit, it was mandated that the UAN of beneficiaries will be seeded with Aadhaar.

**6.39** In case of the textile (apparel) sector where the establishment particularly dealt with manufacturing of wearing apparel, the employers

were also eligible to get 3.67% of employers' share of EPF contribution paid by the Government (in addition to paying the EPS'95 contribution of 8.33%) under the Pradhan Mantri Paridhan Rojgar Protsahan Yojana (PMRPY).

**6.40** With effect from 01/04/2018, the whole of employer's share of EPF& EPS contribution (10% or 12% as the case may be) is being provided to the employers for a period of three years in respect of the new employees and the existing employees for their remaining period of three years. Hence, the establishments and the employees therein which were getting twin benefits under both PMRPY & PMPRPY now are eligible for the full benefit of 12% (or 10%) under PMRPY since 01.04.2018. The terminal date for registration of beneficiary through establishment was 31<sup>st</sup> March, 2019.

**6.41** The Scheme received good response from the employers. Though a little slow initially, but with the effective and large scale publicity by Head Office and the field offices of EPFO through conduct of Seminars and workshops with both the employers & Employers' Associations and employees & Union representatives, the response picked up fast and by the terminal date of registration, 185022 establishments had registered with 13791049 employees under the scheme. Out of this, 145512 establishments had been benefitted in respect of 11805003 employees amounting to Rs. 43706034526/-. The year wise details are given as under:

### **PMRPY**

Financial Year	Employees benefitted	Employers benefitted	Subsidy disbursed (Rs. In Crore)
2016-17	33031	868	25839391
2017-18	3025084	39423	4919573820
2018-19	8746888	144736	38760621315

**PMRPY**

Financial Year	Employees benefitted	Employers benefitted	Subsidy disbursed (Rs. In Crore)
2016-17	3900	19	1787994
2017-18	218304	689	187502672
2018-19	46840	781	51668588

**6.42** The Government has revised the Scheme guidelines dated 23.02.2017 vide their order dated 07.03.2019. This has produced the effect that for any establishment to avail upfront benefit under PMRPY for a particular wage month, it is now mandatory that the ECR is filed by 15<sup>th</sup> of the subsequent month.

**6.43** On the initiative of the ACC (HQ) PMRPY and the help of Concurrent Audit Cell as well as IS Division, a scrutiny of the data of beneficiaries under PMRPY scheme was taken up and the same was validated with the legacy data of members exiting before 01.04.2016 on different parameters like, PAN, Aadhar, Name, Father's Name, Date of Birth and Gender of the beneficiaries. The outcome located a large member of duplicate cases who were suspected to be in-eligible beneficiaries under the PMRPY scheme. Such accounts were blocked and further flow of benefited under the PMRPY scheme in respect of the suspected UANs was disallowed.

**6.44** The lists of such cases were pushed into the logins of the respective establishments for verification and certification of their authenticity. A notice to the effect was also issued to all the related establishments by the respective RPFCs with a request to either confirm their authenticity or block those cases permanently.

**6.45** Till the end of the Financial Year 2018-19, their de-duplication exercise was under progress involving verification of about 9 (Nine) lakh UANs registered under PMRPY.

**ELIGIBILITY**

- Any Establishment registered with EPFO and having LIN
- Any new employee
  - registered with EPFO on or after 01-April-2016
  - having UAN generated after 01-April-2016
  - UAN seeded with Aadhaar
  - earning up to (and including) Rs. 15,000/- per month.
  - benefit will continue against an employee on changing of job if other conditions satisfied
  - maximum 3 years benefit against an employee from the first date of joining in the scheme.

**❖ Policy Changes**

**6.46** In order to bring more transparency and minimise the grievances these initiatives have also been taken:-

**6.47** Directions have been issued for providing Calculation Sheet to the subscribers at the time of PF withdrawal. And also to provide calculations to the Pensioners with regard to the Pension sanctioned.

**THE EMPLOYEE'S COMPENSATION ACT, 1923**

**6.48** The Employees' Compensation Act, 1923, earlier known as "Workmen's Compensation Act" is an old but an important enactment, as it introduced a kind of social security scheme for the workers of this country. It enables an employee, and in case of death of an employee, his dependents, to get, at the cost of his employer, compensation for employment injury.

**6.49** The object of the Act is to provide for the payment of compensation by employers to their

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employees for injury caused to them by accident while in employment. If an employee contracts an occupational disease while in employment, it is also treated under the Act as injury caused by accident.

**6.50** The compensation has been enhanced to Rs.1, 20,000/- in case of death and Rs.1, 40,000/- in case of disablement resulting from injury. The amount of funeral expenses has been enhanced to Rs.5,000/-. Wage ceiling for calculation of compensation is Rs.8,000/- p.m. w.e.f. 31.5.2010. Through the amendment carried out in the Act w.e.f. 18.01.2010, a clause has been inserted in the Act to enable the Government to raise the compensation, funeral expenses and wage limit by notification in the official Gazette. A new Section 25A has been added for the Commissioner to dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision.

**6.51** As per the Employee's Compensation (Amendment) Act, 2017 Section 17A has been added. Now, *"Every employer shall immediately at the time of employment of an employee, inform the employee of his rights to compensation under this Act, in writing as well as through electronic means, in English or Hindi or in the official language of the area of employment, as may be understood by the employee."* Further, under Section 18A, penalty for contravention of Act has been increased from present Rs.5,000/- to Rs.50,000/- which may extend to one lakh rupees. As per Section 30, the amount of dispute has been revised to go for an appeal from Rs.300/- to Rs.10,000/- or such higher amount notified by the Central Government, so as to reduce litigation.

**THE MATERNITY BENEFIT ACT, 1961**

**6.52** The Maternity Benefit Act, 1961 regulates the employment of women in factories, mines, the circus industry, plantation units and shops or establishments employing 10 or more persons

except the employees covered under the Employees State Insurance (ESI) Act, 1948 for certain period before and after birth and provides for maternity and other benefits. It extends to the whole of India. It also provides for maternity leave and payment of certain monetary benefits to women workers subject to fulfillment of certain conditions during the period when they are out of employment on account of pregnancy. The services of a woman worker cannot be terminated during the period of her absence on account of pregnancy except for gross misconduct. As per amendment of Section 5 of the Maternity Benefit (Amendment) Act, 2017, maximum period for which a woman can get paid maternity benefit is twenty-six weeks upto two surviving children. For adopting/commissioning mothers and for more than two surviving children, 12 weeks of paid maternity leave is also available. A medical bonus of Rs.3,500/- is being provided from 19.12.2011 under the Act. The crèche facility has also been provided by the Maternity Benefit (Amendment) Act, 2017 after insertion of new Section 11A, according to which every establishment having fifty or more employees shall have the facility of crèche within such distance, as may be prescribed, either separately or along with common facilities.

**THE PAYMENT OF GRATUITY ACT, 1972****Objective**

**6.53** The Payment of Gratuity Act, 1972 provides for a scheme of compulsory payment of gratuity to employees engaged in factories, mines, oil-fields, plantations, ports, railway companies, motor transport undertakings, shops or other establishments on the termination of his employment after he has rendered continuous service for not less than five years on his superannuation, or on his retirement or resignation, or on his death or disablement due to accident or disease. Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employees is due to death

or disablement. Payment of Gratuity is an employer's liability under the extant provisions of the PG Act.

#### **6.54 Coverage**

- Every factory, mine, oil-field, plantation, port and railway company.
- Every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed or were employed on any day of the preceding twelve months.
- Such other establishments or class of establishments in which ten or more employees are employed or were employed on any day of the preceding twelve months as the Central government may, by notification, specify in this behalf.
- A shop or establishment once covered shall continue to be covered notwithstanding that the number of persons employed therein at any time falls below ten.

#### **Entitlement**

**6.55** Every employee, other than apprentice irrespective of his wages is entitled to receive gratuity after he has rendered continuous service for five years or more. Gratuity is payable at the time of termination of his service either (i) on superannuation or (ii) on retirement or resignation or (iii) on death or disablement due to accident or disease. Termination of services includes retrenchment. However, the condition of five years' continuous service is not necessary if services are terminated due to death or disablement. In case of death of the employee, the gratuity payable to him is to be paid to his nominee, and if no nomination has been made, then to his heirs.

#### **Calculation of Benefits**

**6.56** For every completed year of service or part

thereof in excess of six months, the employer pays gratuity to an employee at the rate of fifteen days' wages based on the rate of wages last drawn. As per section 4(3) of the Act, the amount of the gratuity payable to an employee shall not exceed such amount as may be notified by the Central Government from time to time, at present the ceiling under the Act is Rs.20,00,000/-.

#### **Administration**

**6.57** The Act is enforced both by the Central and State Governments. Section 3 authorizes the appropriate government to appoint any officer as a controlling authority for the administration of the Act. Mines, major ports, oilfields, railway companies and establishment owned or controlled by the Central Government and establishment having branches in more than one State are controlled by the Central Government. The remaining factories and/ establishments are looked after by the State Governments.

**6.58** The Central/State Governments appoint the Controlling Authorities and Inspectors for different areas, to ensure that the provisions of the Act are complied with. The Central/State Governments also frame rules for administration of the Act. In Maharashtra, the labour courts in different localities are notified as Controlling Authority for the administration of the Act.

**6.59** In pursuance to a judgment of Hon'ble Supreme Court, the definition of 'employee' as per the section 2(e) of the Act in order to cover the teachers in educational institutions under the Act has been amended vide the Payment of Gratuity (Amendment) Act, 2009 notified on 31.12.2009 with effect retrospectively i.e. from 3rd April, 1997.

**6.60** Consequent upon the Payment of Gratuity (Amendment) Act, 2018, notified on 29.03.2018, this Ministry has enhanced the ceiling on amount of gratuity from Rs.10 lakh to Rs.20 lakh under the Act vide Notification No. S.O. 1420(E) dated 29.03.2018 with effect prospectively i.e. from 29.03.2018.

**Table 6.1**  
**List of ESIC run Hospitals as on 31.03.2019**

Sl. No.	Name of the State	Hospitals
1	Assam	1) Beltola, Guwahati
2	Bihar	2) Phulwarishariff, Patna
		3) Bihta
3	Delhi	4) Basaidarapur
		5) Rohini
		6) Jhilmil
		7) Okhla
4	Gujarat	8) Bapunagar
		9) Naroda
		10) Vapi
		11) Ankleshwar
5	Haryana	12) Faridabad (Medical College)
		13) Gurugram (Gurgaon)
		14) Manesar
6	Himachal Pardesh	15) Baddi
7	Jammu & Kashmir	16) Bari Brahamna, Jammu
8	Jharkhand	17) Adityapur, Jamshedpur
		18) Namkum, Ranchi
9	Karnataka	19) Peenya, Bengaluru
		20) Rajajinagar, Bengaluru
10	Kerala	21) Ashramam
		22) Ezhukone
		23) Udyogmandal
11	Maharashtra	24) Andheri, Mumbai
		25) Bibviewadi, Pune
		26) Kandhiwali, Mumbai
		27) Kolhapur
12	Madhya Pradesh	28) Indore
13	Odisha	29) Rourkela
14	Punjab	30) Ramdarbar, Chandigarh
		31) Ludhiana
15	Rajasthan	32) Jaipur
		33) Bhiwadi
		34) Alwar
16	Tamilnadu	35) KK Nagar, Chennai
		36) Tirunelveli
17	Telangana	37) Sanathnagar Hospital
		38) SSTHSanathnagar
18	Uttar Pradesh	39) Noida
		40) Lucknow
		41) Jajmau, Kanpur
		42) Varanasi
		43) Sahibabad
		44) Bareilly
19	West Bengal	45) Joka, Kolkata



## CHAPTER-7

# LABOUR WELFARE

### Labour Welfare (Health) Scheme

**7.1** Labour Welfare Organisation under the Ministry of Labour & Employment administers Welfare Funds for the Welfare of (i) Beedi, (ii) Cine, Iron Ore / Manganese Ore / Chrome Ore, (iv) Limestone and Dolomite Mine Workers which were set up under various Acts of Parliament. The concept of Labour Welfare Fund was evolved in order to extend a measure of social assistance to workers in the unorganized sector. Towards this end, separate legislations were enacted by Parliament to set up five Welfare Funds to be administered by Ministry of Labour & Employment to provide medical care to workers employed in beedi industry, certain non-coal mines, and cine workers.

**7.2** The scheme of Welfare Funds is outside the framework of specific employer and employee relationship in as much as the resources are raised by the Government on a non-contributory basis and delivery of welfare services affected without linkage to individual worker's contribution. Welfare funds, which follow a sectoral approach, are in addition to a large number of various other poverty alleviation and employment generation programmes, which follow a regional approach and for which most of these workers are eligible.

**7.3** The basic objective of this scheme is to provide Health to more than 50 lakh poor and illiterate Beedi/ Cine/ Iron, Manganese, Chrome/ Limestone & Dolomite/ Mica Mine workers and their family members. These workers belong to unorganized and economically weaker sections of the society. These workers have very low literacy rate, poor health standards and low per capita income. The Scheme becomes a medium to enhance the living standards of this section of workers.

**7.4** Health care facilities are being provided to Beedi, Cine and Non Coal Mine workers and to their families through **10** Hospitals and **286** Dispensaries located across the country.

**7.5** Conducting welfare activities for Beedi/ LSDM/ MICA/IOMC/Cine workers and their dependents in the field of Health, Education and Housing.

**7.6** Health care facilities to be provided to 16 Lakh workers and their families. In Year 2019-20 (from April, 2019 to October, 2019), **13,53,227** workers have availed this facility.

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S.No	HEALTH SCHEME	Salient Features										
1.	Health care facilities are being provided to Beedi, Cine and Non Coal Mine workers and to their families through 10 Hospitals and 286 Dispensaries located across the country.	<div>Reimbursement of expenditure for specialized treatment taken under Government recognized Hospitals in case of critical disease.</div> <table><tr><td>Cancer</td><td>Reimbursement of actual expenses on treatment, medicines and diet charges incurred by workers, or their dependents.</td></tr><tr><td>Tuberculosis</td><td>Reservation of beds in T.B. Hospitals and domiciliary treatment for workers. Subsistence allowance of Rs. 750/- to Rs. 1000/- p.m is granted as per the advice of the treating physician.</td></tr><tr><td>Heart Diseases</td><td>Reimbursement of expenditure up to Rs. 1,30,000/- to workers.</td></tr><tr><td>Kidney Transplantation</td><td>Reimbursement of expenditure up to Rs. 2,00,000/- to workers.</td></tr><tr><td>Hernia, Appendectomy, Ulcer Gynaecological diseases and Prostrate diseases</td><td>Reimbursement of expenditure up to Rs. 30,000/- to workers and their dependents.</td></tr></table>	Cancer	Reimbursement of actual expenses on treatment, medicines and diet charges incurred by workers, or their dependents.	Tuberculosis	Reservation of beds in T.B. Hospitals and domiciliary treatment for workers. Subsistence allowance of Rs. 750/- to Rs. 1000/- p.m is granted as per the advice of the treating physician.	Heart Diseases	Reimbursement of expenditure up to Rs. 1,30,000/- to workers.	Kidney Transplantation	Reimbursement of expenditure up to Rs. 2,00,000/- to workers.	Hernia, Appendectomy, Ulcer Gynaecological diseases and Prostrate diseases	Reimbursement of expenditure up to Rs. 30,000/- to workers and their dependents.
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Kidney Transplantation	Reimbursement of expenditure up to Rs. 2,00,000/- to workers.											
Hernia, Appendectomy, Ulcer Gynaecological diseases and Prostrate diseases	Reimbursement of expenditure up to Rs. 30,000/- to workers and their dependents.											

**7.7 State/UT wise details of registered Beedi Workers**

Sl.No.	Name of Region	Name of State/UT	Total
1.	Ahmedabad	Gujarat	39011
2.	Ajmer	Rajasthan	38791
3.	Allahabad	Uttar Pradesh	412757
4.	Bangalore	Karnataka	295501
5.	Bhubaneswar	Odisha	208212
6.	Hyderabad	Andhra Pradesh/ Telangana	458040
7.	Jabalpur	Madhya Pradesh	440556
8.	Kolkata	West Bengal	1829203
9.	Guwahati		24398
10.	Kannur	Kerala	40276
11.	Nagpur	Maharashtra	155089
12.	Patna	Bihar	296972
13.	Raipur	Chhattisgarh	3893
14.	Tirunelveli	Tamil Nadu	603076
15.	Ranchi	Jharkhand	136519
	<b>Total</b>		<b>49,82,294</b>

**7.8** The Labour Welfare Organization is headed by a Director General (Labour Welfare). He is assisted by seventeen (17) Regional Welfare Commissioners for the purpose of administration of these Funds in the States. The jurisdiction of each Welfare Commissioner has been shown in the Table below.

<b>WELFARE COMMISSIONERES AND THEIR JURISDICTION</b>		
<b>S.NO.</b>	<b>Name of the Region</b>	<b>States Covered</b>
01	Allahabad	Uttar Pradesh
02	Ahmadabad	Gujarat, Diu
03	Ajmer	Rajasthan
04	Bangalore	Karnataka
05	Bhubaneswar	Orissa
06	Hyderabad	Andhra Pradesh, Telangana
07	Jabalpur	Madhya Pradesh
08	Nagpur	Maharashtra , Goa, Dadar Nagar Haveli & Daman
09	Ranchi	Jharkhand
10	Patna	Bihar
11	Raipur	Chhattisgarh
12	Dehradun	Uttrakhand, Himachal Pradesh
13	Kolkata	West Bengal, Andaman & Nicobar, Sikkim
14	Guwahati	Assam, Meghalaya, Nagaland, Tripura, Arunachal Pradesh, Manipur, Mizoram
15	Tirunelveli	Tamil Nadu, Puducherry
16	Chandigarh	Punjab, Delhi, Chandigarh, Haryana, Jammu & Kashmir
17	Cannanore	Kerala, Lakshadweep

### **Skill Development Programme**

**7.9** Ministry of Labour & Employment has also initiated action for skill development of the beedi workers to provide them alternate source of employment for viable alternative sources of livelihood. In this regard, a Pilot project was initiated w.e.f. 01.04.2017 in association with ILO, WHO, UNDP, M/o Skill Development and Ministry of Health to provide Skill Development Training to Beedi Workers and their dependent Family

Members. Many beneficiaries have been trained and are being trained under this programme and have been shifted to alternative jobs.. Aforesaid Pilot project was started on the 5centers, viz., Kasargod (Kannur Region); Sambhalpur (Bhubaneswar Region); Rajnandgaon (Raipur Region); 24<sup>th</sup> North Pargana (Kolkata Region) & Nizamabad (Hyderabad Region). Later, the pilot project of skill development training to beedi workers and their dependents was expanded to all LWO regions across the country. An expert

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committee in this regard has been formed with representatives of WHO, ILO, MSDE, UNDP, MoHF, NSDC etc.

**7.10** A total of **1297** Beneficiaries has been trained under this programme for the period from **April 2019 to October 2019**, out of which **582** beneficiaries have been shifted to alternative jobs.

**Salient features of programme:**

**7.11** The salient features of the programme include the following:

- Payment of Stipend to the registered Beedi worker to compensate him for loss of wages suffered while the worker attended the training.
- Travel expenses of the trainee, whether the worker or his dependent to cover the cost of travel from his place of residence to the **Vocational Training Providers (VTP)** and back.
- Support for Lodging & boarding expenses in case the worker or his dependent is required to stay away from his residence for attending the training.
- Training to beedi rollers and their dependents to be provided in VTPs approved under the Skill Development Programme being implemented by the Central/ State Govt.
- Certification under the Skill Development Programme being implemented by the Central/ State Govt. having national validity for the skill certified thereunder.
- Placement and tracking of trainees to ensure that they sustain in the alternative employment after the training. Payment of final installment of stipend made conditional upon successful placement and tracking.
- All payments to be made direct to the trainees through online transactions i.e. Direct Benefit

Transfer (DBT) to ensure financial inclusion of the beedi rollers.

**7.12 Various Courses in which Skill Development Training has been imparted**

1. **Account Using Tally**
2. **CNC Operator**
3. **Hotel Management (Front Office Associate)**
4. **Sewing Machine Operator**
5. **Food & Beverages Service**
6. **A/C & Fridge Mechanic**
7. **Customer Care Executive**
8. **Solar PV Installation**
9. **Tailoring**
10. **Solar Panel Installation**
11. **Asstt. Electrician**
12. **Asstt. Beauty Therapist**
13. **Basic Computer Course**
14. **General Duty Asstt.**
15. **Field Technician**
16. **Automobile Repairing**
17. **Plumbing**
18. **Beautician**
19. **Mushroom Cultivation**
20. **Banking & Accountancy**
21. **Medical & Nursing Course**
22. **Hand Embroidery**
23. **Jam & Jelly Making**
24. **Computer Hardware**
25. **Pickle Making**
26. **Stitching & Fashion Designing**
27. **Soft Toys Making**
28. **Agarbatti Making**
29. **Bag Making**
30. **LED Technician**
31. **CCTV Technician**



### 7.13 DETAILS OF BENEFICIARIES AND EXPENDITURE UNDER HEALTH COMPONENT – CONSOLIDATED FOR ALL REGIONS

Details of Beneficiaries and Expenditure									
		2016-17		2017-18		2018-19		2019-20	
S. No.	Name of Component	Expenditure (in Rupees)	Number of Beneficiaries	Expenditure (in Rupees)	Number of Beneficiaries	Expenditure (in Rupees)	Number of Beneficiaries	Expenditure (in Rupees)	Number of Beneficiaries
1	Health	115.65 Cr	15,59,744	108.70 Cr	14,23,152	8.7669 Cr*	11,85,209	4.2146 Cr**	13,53,227**

\* Prior to Financial Year 2018-19, salary of employees covered under Health Scheme were funded from Health Scheme Fund Head. With effect from 2018-19, salary was funded from Administrative Head.

\*\* Data is for the period from April 2019 to October 2019.

#### Revised Integrated Housing Scheme, 2016

**7.14** A revamped housing scheme (RIHS, 2016) has been introduced from December, 2016 with a subsidy of Rs.1, 50,000 per beneficiary household. RIHS, 2016 is applicable to the workers engaged in Beedi/Iron Ore Mines, Manganese Ore & Chrome Ore Mines (IOMC)/Limestone Ore Mines, Dolomite Ore Mines (LSDM) /Mica Mines and Cine Industries registered with the Labour Welfare Organization (LWO).

In the scheme, a subsidy of Rs.1,50,000/- is released in three instalments on 25:60:15 ratio (First as advance, second on reaching the lintel level and third after receipt of inspection report that the construction of houses has been completed in all respect).

Under this scheme subsidy is released through DBT.

Details during last four years under the Revised Integrated Housing Scheme (RIHS) are as under:

Financial Year	Expenditure (Rs. in crore)	No. of beneficiaries households
2016-17	20.39	9831
2017-18	45.74	12876
2018-19	49.20	12394
2019-20	19.24	3485

#### 7.15 Convergence of Housing Scheme

In meeting of Expenditure Finance Committee (EFC) under the Ministry of Finance for appraisal and continuation of the Labour Welfare Scheme held on 11.05.2018 under the Chairmanship of Secretary (Expenditure), it was decided that the Ministry of Labour & Employment will explore the possibilities to converge the RIHS with the PradhanMantriAwaasYojna (PMAY) of the Ministry of Urban Development poverty (URBAN) and PradhanMantriAwaasYojna (Rural) of the Ministry of Rural Development. It was suggested to frame a timeline and to draw a transition plan, when all new sanctions under RIHS will be stopped and housing subsidy will be drawn from PMAY and a transition plan may be drawn up when all new sanction under RIHS will be stopped and housing subsidy will be drawn from PMAY. Accordingly all Welfare Commissioner were directed not to release subsidy towards 1<sup>st</sup> instalment under RIHS and send pending applications to the concerned Blocks /ULBs for sanction under PMAY.

## CHAPTER-8

# UNORGANISED WORKER

### UNORGANISED WORKER

**8.1** The term unorganised worker has been defined under the Unorganised Workers' Social Security Act, 2008, as a home based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule-II of Act i.e. The Employee's Compensation Act, 1923 (3 of 1923), The Industrial Disputes Act, 1947 (14 of 1947), The Employees' State Insurance Act, 1948 (34 of 1948), The Employees Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), The Maternity Benefit Act, 1961 (53 of 1961) and The Payment of Gratuity Act, 1972( 39 of 1972).

**8.2** As per survey carried out by the National Sample Survey Organisation in the year 2011-12, the total employment in both organized and unorganised sector in the country was of the order of 47 crores. Out of this, about 8 crore were in the organized sector and the balance of 39 crore in the unorganized sector. The workers in the unorganized sector constitute more than 90 percent of the total employment in the country. A large number of unorganized workers are home based and are engaged in occupations such as beedi rolling, agarbatti making, papad making, tailoring, and embroidery work.

**8.3** The unorganised workers suffer from cycles of excessive seasonality of employment, lack of a formal employer-employee relationship and absence of social security protection. However, several legislations such as the Employee's Compensation Act, 1923; the Minimum Wages Act, 1948; the Maternity Benefit Act, 1961; the Contract Labour (Abolition and Prohibition) Act,

1970; Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996; and the Building and Other Construction Workers Welfare (Cess) Act, 1996 etc. are directly or indirectly applicable to the workers in the unorganised sector also.

**8.4** The Ministry of Labour & Employment is also operating Welfare Funds for some specific categories of workers in the unorganised sector like beedi workers, cine workers and certain non-coal mine workers. The funds are used to provide various kinds of welfare activities to the workers in the field of health care, housing and education assistance for children.

### COMPREHENSIVE LEGISLATION FOR WORKERS IN THE UNORGANIZED SECTOR

**8.5** In order to ensure welfare of workers in the unorganized sector, the Ministry of Labour & Employment has enacted the Unorganised Workers' Social Security Act, 2008. The Act has come into force with effect from 16.05.2009. The Central Rules under the Act have been framed.

**8.6** The Salient features of the Act are under:

- Section (2) provides for the definitions, including those relating to unorganised worker, self-employed and wage worker.
- Section 3(1) provides for formulation of schemes by the Central Government for different sections of unorganised workers on matters relating to (a) life and disability cover; (b) health and maternity benefits; (c) old age protection (d) any other benefit as may be determined by the Central Government.

- Section 3(4) provides for formulation of schemes relating to provident fund, employment injury benefits, housing, educational schemes for children, skill up gradation, funeral assistance and old age homes by the State Governments.
  - Section 4 relates to funding of the schemes formulated by Central Government.
  - Section 5 envisages constitution of National Social Security Board under the chairmanship of Union Minister for Labour & Employment with Director General (Labour Welfare) as Member Secretary and 34 nominated members representing Members of Parliament, unorganised workers, employers of unorganised workers, civil society, Central Ministries and State Governments.
  - Provision for adequate representation to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women in the Board has been made.
  - The National Board would recommend the Central Government suitable schemes for different sections of unorganised workers; monitor implementation of schemes and advise the Central Government on matters arising out of the administration of the Act.
  - Section 6 has provision for constitution of similar Boards at the State level.
  - Section 7 relates to funding pattern of the schemes formulated by the State Governments.
  - Section 8 prescribes record keeping functions by the District Administration. For this purpose, the State Government may direct (a) the District Panchayat in rural areas; and (b) the Urban Local Bodies in urban areas as to perform such functions.
  - Section 9 provides for setting up of Workers' Facilitation Centre to (a) disseminate information on social security schemes available to them (b) facilitate registration of workers by the district administration and enrollment of unorganised workers.
  - Section 10 provides for eligibility criteria for registration as also the procedure for registration under the Act.
  - Sections 11-17 contain miscellaneous provisions for implementing the Act.
- 8.7** The Unorganised Workers' Social Security Rules, 2009 under the Act have been framed and the National Social Security Board was constituted on 18.08.2009. The National Board shall recommend social security schemes viz. life and disability cover, health and maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganized workers.
- 8.8** The Central Government in 2017, converged the social security scheme of Aam Aadmi Bima Yojana (AABY) with Pradhan Mantri Jeevan Jyoti Bima Yojana/ Pradhan Mantri Suraksha Bima Yojana. Aam Aadmi Bima Yojana (AABY) to provide life and disability coverage to the unorganized workers, depending upon their eligibility. The converged PMJJBY/OMSBY scheme is for the beneficiaries in the age group 18-50 years and provides for coverage of Rs. 2 lakhs, in case of natural death and Rs. 4 lakhs in case of accidental death. The Converged schemes are being implemented through Life Insurance Corporation of India. A premium of Rs. 342(330+12) per annum would be required for the converged schemes. The premium would be shared between the State Government and Central Government in the ratio of 50:50. This Ministry has urged all the State/UT Governments to give their financial concurrence to cover 50 percent of the premium for all eligible unorganised workers. Around 2.80 crore beneficiaries have

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been covered under this scheme, as per data furnished by LIC, during the current year 2018-19.

**8.9** In India approximately 93% of workers are in the unorganized sector. The various social security schemes are currently being run by different Ministries/Departments under Schedule II of the “Unorganized Workers Social Security Act (UWSSA), 2008” for welfare of the unorganized workers and agencies at the State level, with different eligibility criteria, enrolment processes and benefits there under, etc.

- i. Indira Gandhi National Old Age Pension Scheme (Ministry of Rural Development);
- ii. National Family Benefit Scheme (Ministry of Rural Development);
- iii. JananiSurakshaYojana (Ministry of Health and Family Welfare);
- iv. Handloom Weavers’ Comprehensive Welfare Scheme (Ministry of Textiles);
- v. Handicraft Artisans’ Comprehensive Welfare Scheme (Ministry of Textiles);
- vi. Pension to Master Craft Persons (Ministry of Textiles);
- vii. National Scheme for Welfare of Fishermen and Training and Extension (Department of Animal Husbandry, Dairying & Fisheries);
- viii. Aam Aadmi Bima Yojana (Ministry of Labour and Employment); (now converged with PMJJBY/PMSBY)
- ix. Rashtriya Swasthya Bima Yojana (Ministry of Health and Family Welfare).

**8.10** Two camps were organized in Bareilly and Varanasi for the purpose of Health Check-up and issuing Identify Card to Beedi Workers, allotting the Houses under Revised Integrated Housing Scheme-2016, distributing certificates to Building

and Other Construction Workers and PardhanMantriJeevanJyotiBimaYojana ( PMJJBY) &PardhanMantriSurakshaBimaYojana (PMSBY) beneficiaries.

## **THE BUILDING AND OTHER CONSTRUCTION WORKERS**

**8.11** The construction workers constitute one of the largest categories of workers in the unorganized sector. Based on the Sample Survey conducted by NSSO, MoSPI in 2011-12, about 5.02 crore workers are employed in construction activities. In order to safeguard the interest of the workers of this sector, Government has enacted the following legislations for the construction workers: -

- **The Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Act, 1996.**
- **The Building and Other Construction Workers’ Welfare Cess, Act, 1996;**

**8.12** Further, the Building and Other Construction Workers’ Welfare Cess Rules, 1998 and the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Central Rules, 1998 have been notified on 26.03.1998 and 19.11.1998 respectively.

**8.13** These legislations regulate the employment and conditions of service, safety and health measures for the construction workers through State Welfare Boards constituted at the State level. All State Governments and Union Territories have constituted State Welfare Boards. The Government of Tamil Nadu has been implementing its own Act.Welfare measures are financed by levy of cess on cost of construction work incurred by an employer (the Government has notified the cess@ 1%).

**8.14** The funds so collected are to be used for providing social security and welfare benefits to the registered workers and their families. An



amount of approx. Rs. 49,896.01 crore has been collected as Cess by the State Governments and Union Territories upto 30.09.2019 and an amount of Rs. 19,680.63 crore has been spent by the respective State BOCW Welfare boards.

**8.15** The Central Government has been issuing directions from time to time, under Section 60 of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996, to all the State Governments and UT Administrations for proper implementation of the Act. To monitor the implementation of these directions, specifically with reference to utilization of Cess fund for Welfare Schemes enumerated under Section 22 of the Act, by the State Building and Other Construction Workers' Welfare Boards, a Committee under the Chairmanship of Secretary (Labour and Employment) has been constituted. The Monitoring Committee holds its meeting from time to time with the Principal Secretaries/ Secretaries of Labour departments of the State/ UTs.

**8.16** Implementation of the Building and Other Construction Workers (RECS) Act, 1996 and the Building and Other Construction Workers' Welfare Cess Act, 1996 was under close scrutiny of the Hon'ble Court in Writ Petition (Civil) No. 318 of 2006 between M/s National Campaign Committee for Central Legislation on Construction Labour V/ s Union of India and others. Pursuant to the judgment dated 19<sup>th</sup> March, 2018 and Order dated 04.10.2018 of the Hon'ble Supreme Court in the matter, Model Scheme for Building and Other Construction Workers and Action Plan (for strengthening Implementation Machinery) were framed and circulated to all States/UTs for implementation. The model scheme is also available on the website of Ministry. Further, as per the directions of the Hon'ble Supreme Court a framework for social audit of implementation of BOCW Act was developed in consultation with the State Governments and other stake holders and has been circulated to all States/UTs for carrying

out social audit as directed by the Hon'ble Supreme Court.

### **MIGRANT WORKERS AND THE INTER-STATE MIGRANT WORKMEN**

**8.17** According to the 2011 Census (Provisional Report), 45Crore persons have changed their place of residence within the country and out of this, 4.6 Crore or 10.22% left their place for work.

**8.18** The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted to protect the rights and safeguard the interests, of migrant workers.

**8.19** The Act regulates the employment of inter-state migrant workmen and provides for their conditions of service. It applies to every establishment, and the contractor, who employ five or more inter-state migrant workmen. The Act has provision for issue of Pass-Book to every inter-state migrant workmen with full details, payment of displacement allowance equivalent to 50% of monthly wages, payment of journey allowance including payment of wage during the period of journey, suitable residential accommodation, medical facilities and protective clothing, payment of wages, equal pay for equal work etc.

**8.20** The main responsibility for enforcement of the provision of the Act lies with the Central and the State Governments / Union Territories in the establishment falling in the Central and State Sphere respectively.

**8.21** The problem of migration is sought to be checked through a multi-dimensional course of action through rural development, provision of improved infrastructural facilities, equitable dispersal of resources to remove regional disparities, employment generation, land reforms, increased literacy, financial assistance etc. In order to generate better employment opportunities at State level, the Government have launched a number of schemes like PradhanMantri Gram

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Sadak Yojana (PMGSY), Pradhan Mantri Awas Yojna (IAY) etc. Further, the Government have also enacted the Mahatma Gandhi Rural Employment Guarantee Act, 2005 to provide 100 days guaranteed employment to rural households

**8.22** Ministry of Labour & Employment and State Governments of Andhra Pradesh and Odisha have signed MoUs to facilitate strengthening of Inter-State Coordination Mechanism for smooth implementation of the activities in source and destination areas of migrant workers. Similar MoUs have also been signed with the State Governments of Uttar Pradesh, Bihar, Jharkhand and Chhattisgarh.

**8.23 Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM):**

**8.23.1** Government of India has introduced a pension scheme for unorganised workers in the name of **PradhanMantriShram Yogi Maan-dhan (PM-SYM)** to ensure old age protection for Unorganised Workers. The enrollment under the scheme has started since 15<sup>th</sup> February, 2019.

**8.23.2** The unorganised workers mostly engaged as home based workers, street vendors, mid-day meal workers, head loaders, brick kiln workers, cobblers, rag pickers, domestic workers, washer men, rickshaw pullers, landless labourers, own account workers, agricultural workers, construction workers, beedi workers, handloom workers, leather workers, audio- visual workers and similar other occupations whose monthly income is Rs 15,000/ per month or less and belong to the entry age group of 18-40 years. They should not be covered under New Pension Scheme (NPS), Employees' State Insurance Corporation (ESIC) scheme or Employees' Provident Fund Organisation (EPFO). Further, he/ she should not be an income tax payee.

**8.23.3** It is a voluntary and contributory pension scheme, under which the subscriber would receive the following benefits:

- (i) **Minimum Assured Pension:** Each subscriber under the PM-SYM, shall receive minimum assured pension of Rs 3000/- per month after attaining the age of 60 years.
- (ii) **Family Pension:** During the receipt of pension, if the subscriber dies, the spouse of the beneficiary shall be entitled to receive 50% of the pension received by the beneficiary as family pension. Family pension is applicable only to spouse.
- (iii) If a beneficiary has given regular contribution and died due to any cause (before age of 60 years), his/her spouse will be entitled to join and continue the scheme subsequently by payment of regular contribution or exit the scheme as per provisions of exit and withdrawal.

**8.23.4** The subscriber's contributions to PM-SYM is through 'auto-debit' facility from his/ her savings bank account/ Jan- Dhan account and it ranges from Rs 55/- to Rs 200/- per month depending at the entry age of the subscriber. The subscriber is required to contribute the prescribed contribution amount from the age of joining PM-SYM till the age of 60 years.

**8.23.5** PM-SYM is a voluntary and contributory pension scheme on a 50:50 basis where prescribed age-specific contribution shall be made by the beneficiary and the matching contribution by the Central Government as per the chart. For example, if a person enters the scheme at an age of 29 years, he is required to contribute Rs 100/- per month till the age of 60 years. An equal amount of Rs 100/- will be contributed by the Central Government.

The Scheme is being implemented through LIC and Common Services Centres-SPV. LIC is the Pension Fund Manager and responsible for Pension pay out. CSC - SPV is responsible enrolling the beneficiaries through its approx. 3 lakh CSCs across the country. Under the

scheme, contribution amount for the first month is being paid in cash.

Considering the hardships and erratic nature of employability of these workers, the exit provisions of scheme have been kept flexible. Exit provisions are as under:

- (i) In case a subscriber exits the scheme within a period of less than 10 years, the beneficiary's share of contribution only will be returned to him with savings bank interest rate.
- (ii) If subscriber exits after a period of 10 years or more but before superannuation age i.e. 60 years of age, the beneficiary's share of contribution along with accumulated interest as actually earned by fund or at the savings bank interest rate whichever is higher.
- (iii) If a beneficiary has given regular contributions and died due to any cause, his/her spouse will be entitled to continue the scheme subsequently by payment of regular contribution or exit by receiving the beneficiary's contribution along with accumulated interest as actually earned by fund or at the savings bank interest rate whichever is higher.
- (iv) If a beneficiary has given regular contributions and become permanently disabled due to any cause before the superannuation age, i.e. 60 years, and unable to continue to contribute under the scheme, his/ her spouse will be entitled to continue the scheme subsequently by payment of regular contribution or exit the scheme by receiving the beneficiary's contribution with interest as actually earned by fund or at the savings bank interest rate whichever is higher.
- (v) After the death of subscriber as well as his/her spouse, the entire corpus will be credited back to the fund.
- (vi) Any other exit provision, as may be decided by the Government on advice of NSSB.

**8.23.6** If a subscriber has not paid the contribution continuously he/she will be allowed to regularize his contribution by paying entire outstanding dues, along with penalty charges, if any, decided by the Government. To address any grievances related to the scheme, subscriber can contact at customer care number 1800 267 6888 which will be available on 24\*7 basis. Web portal/ app will also have the facility for registering the complaints. As on 31<sup>st</sup>December, 2019, around 40 lakhs beneficiaries have subscribed the Scheme.

## CHAPTER-9

### BONDED LABOUR

#### Bonded Labour

**9.1** The Bonded Labour System stands abolished throughout the country with effect from 25.10.1975 with the enactment of Bonded Labour System (Abolition) Act, 1976. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It made the practice of bondage a cognizable offence punishable by law.

**9.2** The Act is being implemented by the State Governments concerned. Salient features of the Act are given below:

- On commencement of this Act, the bonded labour system stood abolished and every bonded labourer stood freed and discharged free from any obligation to render bonded labour.
- Any custom, agreement or other instrument by virtue of which a person was required to render any service as bonded labour was rendered void.
- Liability to repay bonded debt was deemed to have been extinguished.
- Property of the bonded labourer was freed from mortgage etc.
- Freed bonded labourer was not to be evicted from homesteads or other residential premises which he was occupying as part of consideration for the bonded labour.
- District Magistrates have been entrusted with certain duties and responsibilities for implementing the provisions of this Act.

- Vigilance committees are required to be constituted at district and sub-divisional levels.
- Offences for contravention of provisions of the Act are punishable with imprisonment for a term, which may extend to three years and also with fines, which may extend to two thousand rupees.
- Powers of Judicial Magistrates are required to be conferred on Executive Magistrates for trial of offences under this Act. Offences under this Act could be tried summarily.

#### Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016

**9.3** In order to assist the State Governments in their task of rehabilitation of released bonded labourers, the Ministry of Labour launched a Centrally Sponsored Scheme in May, 1978 for rehabilitation of bonded labourers. Under this Scheme rehabilitation assistance of Rs. 20,000/- per freed bonded labour was provided, which was shared by the Central and State Governments on 50:50 basis; in the case of the Seven North Eastern States, 100% central assistance if they expressed their inability to provide their share.

**9.4** Subsequently in 2016, the scheme was revamped w.e.f. 17.05.2016 and is known as "Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016. The salient features of the Scheme are as under:

1. Financial assistance for rehabilitation of a rescued bonded labourer has been increased from Rs. 20,000/- to one lakh per adult male beneficiary, Rs. 2 lakh for special

category beneficiaries such as children including orphans or those rescued from organized & I forced begging rings or other forms of forced child labour, and women and Rs. 3 lakh in cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or women or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit.

2. The State Governments are not required to pay any matching contribution for the purpose of cash rehabilitation assistance.
3. The Scheme provides for financial assistance of Rs. 4.50 lakh per district to the States for conducting survey of bonded labourers once in every three years per sensitive district, Rs. 1.00 Lakh for evaluatory studies (maximum of five Evaluatory Studies per year) and Rs. 10 Lakhs per State per annum for awareness generation. The Central Government will give 50% of the amount required for conducting Survey, Awareness Generation and Evaluatory Studies in advance.
4. The release of rehabilitation assistance has been linked with conviction of the accused. However, immediate assistance upto Rs. 20,000/- may be provided to the rescued

bonded labour by the District Administration irrespective of the status of conviction proceedings. Further, in cases where the trial has not been concluded, but the District Administration has arrived at a prima facie finding and proof of bondage, then the proposal for cash assistance shall not be stopped for want of details of conviction. However, final disbursement of cash assistance and non-cash assistance shall be made upon proof of bondage and other legal consequences as per judicial process.

5. The Scheme provides for creation of a Bonded Labour Rehabilitation Fund at District level by each State with a permanent corpus of at least Rs. 10 lakh at the disposal of the District Magistrate for extending immediate help to the released bonded labourers.
6. The above benefits are in addition to other land and housing elements provided by the States.

*Till date a sum of Rs. 9,582.92 Lakhs has been released to the State Governments for rehabilitation of 2,93,725 bonded labourers.*

**9.5** A number of workshops have been conducted in collaboration with the NHRC, State Governments, ILO and other stakeholders to sensitise the State Government officials, vigilance committees etc. regarding the legal provisions and the revamped Central Scheme and monitor and evaluate the progress.



## CHAPTER-10

# CONTRACT LABOUR

### Contract Labour

**10.1** Contract labour generally refers to workers engaged by a contractor for user enterprises. It is a significant and growing form of employment. These workers are millions in number and are engaged primarily in agricultural operations, plantation, construction industry, ports and docks, oil fields, factories, railways, shipping, airlines, road transport etc.

**10.2** The Contract Labour (Regulation and Abolition) Act, 1970 was enacted to protect and safeguard the interests of these workers. It applies to every establishment /contractor in which 20 or more workmen are employed. It also applies to establishments of the Government and local authorities.

**10.3** The Central Government has jurisdiction over establishments like railways, banks, mines etc. and the State Governments have jurisdiction over the units located in that State.

**10.4** The Central Government and State Governments, in their capacity as “appropriate” Governments, are required to set up Central and State Advisory Contract Labour Boards to advise respective Governments on matters arising out of the administration of the Act as are referred to them. The Board is authorized to constitute Committees as deemed appropriate.

**10.5** The Central Advisory Contract Labour Board (CACLB) is a Statutory Body, tripartite in constitution and quasi-judicial in nature. The non-official members hold office for a term of three years. The present Central Advisory Contract Labour Board has been re-constituted on 29<sup>th</sup> May,

2019. Till date, 96 meetings of the Central Advisory Contract Labour Board have been held.

**10.6** So far, 94 notifications have been issued u/s 10 of the Act abolishing employment of contract labour in specified establishments in consultation with the Central Advisory Contract Labour Board.

**10.7** Every establishment and contractor, to whom the Act applies, has to register itself/obtain a license for execution of the contract work. The interests of contract workers are protected in terms of wages, hours of work, welfare, health and social security. The amenities to be provided to contract labour include canteen, rest rooms, first aid facilities and other basic necessities at the work place like drinking water etc. The responsibility to ensure payment of wages and other benefits is primarily that of the contractor, and, in case of default, that of the principal employer.

**10.8** So far, 28 notifications have been issued u/s 31 of the Act granting exemption to establishments from the purview of the Act.

**10.9** In the Central sphere, the Central Industrial Relations Machinery (CIRM) headed by Chief Labour Commissioner (Central) and his officers have been entrusted with the responsibility of enforcing the provisions of the Act and the rules made thereunder.

**10.10** To promote ease of doing business and remove multiplicity & duplicity in various forms/reports/returns, the Ministry of Labour & Employment notified the “Rationalisation of Forms and Reports under Certain Labour Laws Rules,

2017” in the official gazette of India on 28<sup>th</sup> March, 2017. In effect, the number of forms and reports prescribed under the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979) and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996) have been reduced from 36 to 12.

**10.11** In order to further simplify and reduce the number of forms prescribed under the above mentioned three Acts, the Ministry has also notified the Rationalisation of Forms and Reports under Certain Labour Laws (Amendment) Rules, 2017 vide G.S.R 1593(E) dated 29th December, 2017 reducing a total of 8 other Forms regarding registration of establishment and filing of unified annual return to 2. Now, the number of forms and reports/returns prescribed under the above three Acts have been reduced from 44 to 14.

**10.12** Taking forward the Government’s “Digital India” initiative and to ensure that various Government Services are made available to the citizens electronically, Ministry of Labour & Employment has further made available the following facilities:-

- i. Filing of unified annual return mandatory online on the ShramSuvidha Portal under the above three Acts vide notification(s) G.S.R. 1593 (E) to G.S.R. 1596 (E) notified in the Gazette of India on 29th December, 2017.
- ii. Publication of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Central (Amendment) Rules, 2018 in the Gazette of India vide notification number G.S.R. 828(E) dated 4<sup>th</sup> September, 2018 so as to make filing of application(s) for registration of establishments and granting of certificate of registration under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996) mandatorily online on the ShramSuvidha Portal.
- iii. Filing of applications and granting of certificate of registration/license under the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979) have been made mandatorily online on the ShramSuvidha Portal vide Gazette of India notification(s) G.S.R. 1125(E) and G.S.R. 1126(E) dated 15<sup>th</sup> November, 2018.

## Chapter-11

## WOMEN AND WORK

**PROFILE OF WOMEN WORKERS**

**11.1** Women form an integral part of the Indian workforce. The total number of female workers in India is 149.9 million and female workers in rural and urban areas are 121.9 and 28.0 million respectively (source:census,2011). Out of total 149.9 million female workers, 35.9 million females are working as cultivators and another 61.5 million are agricultural labourers". Of the remaining female's workers,8.5million are in household Industry and 43.7 million are classified as other workers.

**11.2** As per census 2011, the Work Participation Rate for women is 25.51 per cent as compared to 25.63 per cent in 2001. The Worker Population Rate (WPR) for women in rural areas is 35.1 per cent as compared to 17.5 per cent in urban areas based on 4th Annual Employment-Unemployment Survey (2013-14) and same is 30.2 per cent in rural area and 14.8 per cent in urban area under 5th Annual Employment-Unemployment Survey (2015-16) under Usual Principal & Subsidiary Status (UPSS) Approach. As per 4th and 5th Annual Employment Unemployment Survey launched by Labour Bureau in December 2013 and April 2015, the overall Female Labour Force Participation Rate under Usual Principal & Subsidiary Status (UPSS) Approach has been decreased from 31.1 per cent to 27.4 per cent.

**Periodic Labour Force Survey (PLFS)**

**11.3** As per the results of Periodic Labour Force Survey (PLFS) conducted by National Sample Survey Office, Ministry of Statistics and programme Implementation during 2017-18, the

overall Worker population Ratio for women in the age group 15 & above was 22% and it was 23.7% in rural areas as compared to 18.2% in urban areas based on usual status (Principal status+ subsidiary status) basis. The overall female Labour Force participation Rate for the age group 15 & above status (Principal status + subsidiary status) basis was 23.3% which was 24.6% in rural areas as compared to 20.4% in urban areas. The overall unemployment rate for the female was 5.6% and the unemployment rate of female in rural areas was 3.8% and 10.8% in urban areas.

**PROTECTION OF THE INTEREST OF WOMEN WORKERS**

**11.4** Formulation and coordination of policies and programmes for the female labour force within the frame work of national manpower and economic policies.

- Maintaining liaison with other Government agencies to secure effective implementation of the programmes in respect of women workers.
- Monitoring the implementation of the Equal Remuneration Act, 1976 and setting up of an Advisory Committee under the Equal Remuneration Act, 1976.

**11.5** The ILO Convention No.100 of 1951 relating to equal remuneration for men and women was ratified by the Government of India in the year 1958. To give effect to the Constitutional provisions and also to ensure the enforcement of ILO Convention No.100, the Equal Remuneration Act was enacted on 1976.

## **EQUAL REMUNERATION ACT, 1976**

**11.6** The Equal Remuneration Act, 1976 provides for payment of equal remuneration to men and women workers for same work or work of similar nature without any discrimination and also prevent discrimination against women employees while making recruitment for the same work or work of similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer. The provisions of the Act have been extended to all categories of employment. The Act is implemented at two levels viz. Central level and State level. At the Central sphere, the enforcement of the act is entrusted to the Chief Labour Commissioner (Central) who heads the Central Industrial Relations Machinery (CIRM). A Central Advisory Committee (CAC) on Equal Remuneration Act, 1976 under the Chairmanship of Hon'ble Minister of Labour & Employment has been constituted for reviewing the steps taken for effective implementation of the Act.

**11.7** In cases where the State Government are "appropriate authorities", the enforcement of the provisions of Equal Remuneration Act is done by the officials of State Labour Departments. Annual returns are called for by the special cell in the Ministry from the State Governments in order to monitor implementation of the Act. The State Governments/Union Territories are being advised from time to time to ensure more rigorous enforcement of the Act so as to improve the condition of women workers.

**11.8** A complaint Committee to deal with the complaints of sexual harassment of women employees at workplace of Ministry of Labour & Employment has been reconstituted.

## **Amendment in Maternity Benefit Act, 1961**

**11.9** The Government is sensitive to the need for family and social policies aimed at reconciling work and family obligations. The Government has amended the Maternity Benefit Act 1961 in the year 2017 vide enactment of Maternity Benefit

(Amendment) Act 2017 which inter-alia provides for increased paid maternity leave from 12 weeks to 26 weeks and provisions for facility of crèche in the establishments having 50 or more employees.

## **Training of Women Workers**

**11.10** For empowering the women workers, special efforts were made by DattopantThengadi National Board for Workers Education & Development (erstwhile Central Board of Workers Education) to have more participation of Women Workers in Board's various training programmes. During the year 2019-20 (upto November 2019) 62,177 women participated in Board's various training Programmes. Among 62,177 total women workers, 25,920 were from SC category and 11,050 from ST Category.

**11.11** The DattopantThengadi National Board for Workers Education & Development (formerly CBWE) also conducts 2-days special training programmes for women workers in which only women participants of various categories in unorganized sector are enrolled. Till November, 2019, 167 such special programmes for women workers were conducted in which 6,213 number of workers participated. The women are made aware about their rights and duties, and provisions under various Labour Legislation in respect of women and child welfare and various other provisions of the Central and State Government related to women for upliftment of women and children.

**11.12** The V.V.Giri National Labour Institute (VGNLI), which is the training, research and policy institute of the Ministry of Labour & Employment, conducts various customized training programmes on labour and employment issues for women workers on regular basis. Training for gender parity and women's empowerment is a vital component of VVGNLI commitment to promote gender equality for creating gender inclusive societies. Considering training as a

*Ministry of Labour & Employment*

transformative process aiming to provide knowledge, skills, attitudinal and behavioral change, the Institute conducts training programmes on various dimensions of gender. The following three training programmes on Gender issues were conducted by VVGNNI during the period exclusively for women:

1. Leadership Development Programme for Women Officials, July 24-26, 2019.
2. Laws Relating to Equality & Empowerment of Women, August 5-9, 2019.
3. Developing Skill Development Strategies for Women Workers in the Informal Economy, August 19-23, 2019

Total 618 women workers participated in various gender related programs conducted in the Institute.

**CHILD CARE CENTRES**

**11.13** Statutory provisions have been made in certain Labour laws for organizing child care centres for the benefit of women workers. These include Factories Act, 1948, the Beedi & Cigar Workers (Conditions of Employment) Act, 1966, the Mines Act, 1952, the Plantation Act, 1951 and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The Government has amended the Maternity Benefit Act 1961 in the year 2017 vide enactment of Maternity Benefit (Amendment)

Act 2017 which inter-alia provides for paid maternity leave of 26 weeks and provisions for facility of crèche in the establishments having 50 or more employees. Detailed provisions of the amended Maternity Benefit Act have been given in the box attached to this chapter.

**ASSISTANCE TO WOMEN JOB SEEKERS****NCS Features for Women**

**11.14** In order to promote women empowerment, National Career Service (NCS) has various features for helping women connect with the right opportunities. A specific tile “Jobs for Women” has been featured on NCS Portal Home Page to help them easily search and apply to relevant jobs. Job Fairs and Events are conducted for women centric jobs, e.g: Model Career Centre, Coimbatore conducted a Job Fair exclusively for teachers in June, 2019. Also, a functionality has been provided on NCS wherein household users can reach out to Local Service Providers like plumbers, electricians, cooks, beauticians etc. in their locality.

**11.15** The Employment Exchanges take special care to cater to the job needs of women registered with them. During the year 2016, total 59722 and during 1st January 2017 to 31st August, 2017, total 67141 (Provisional) women were placed through various employment exchanges.

**11.16** The placement made by the employment exchanges is given at **Chapter-24 (table 24.2)**

Table 11.1

**EMPLOYMENT OF WOMEN – PROTECTIVE LEGAL PROVISIONS**

Name of the Enactment	Protective Provisions
1. The Beedi & Cigar Workers (Conditions of Employment) Act, 1966	<b>Creches:-</b> In every industrial premises wherein more than thirty female employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such female employees.



	<p>(2) Such rooms shall</p> <p>(a) provide adequate accommodation;</p> <p>(b) be adequately lighted and ventilated;</p> <p>(c) be maintained in a clean and sanitary condition;</p> <p>(d) be under the charge of women trained in the care of children and infants.</p> <p>(3) the State Government may make rules-</p> <p>(a) prescribing the location and the standard in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section.</p> <p>(b) requiring provision in any industrial premises to which this section applies, of additional facilities for the care of children belonging to female employees, including suitable provisions of facilities for washing and changing their clothes;</p> <p>(c) requiring the provision in any industrial premises for free milk or refreshment or both for such children;</p> <p>(d) Requiring that facilities shall be given in any industrial premises for the mothers of such children to feed them at necessary intervals.</p>
2. The Plantation Labour Act, 1951	<ul style="list-style-type: none"> <li>● Provision of crèches in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or where the number of children of women workers (including women workers employed by any contractor) is twenty or more.</li> <li>● Definition of family has been made gender neutral so as to remove distinction between the family of male and female workers for availing dependent benefits. Family also includes dependent widow sister of a female worker as well as male worker.</li> <li>● To cover all aspects of safety and occupational health of workers, specifically women and adolescents working in plantations, a new chapter pertaining to the use of handling, storing or transporting chemicals, insecticides and toxic substances used in the plantations has been added.</li> </ul>

<p>3. The Contract Labour (Regulation &amp; Abolition) Act, 1970</p>	<ul style="list-style-type: none"> <li>• Provision of separate rest rooms or alternative accommodations for women employees in every place wherein contract labour is required to halt at night.</li> <li>• Provision of separate reserved portion of dining hall and service counter.</li> <li>• Provision of separate washing places and latrines for women to secure privacy.</li> <li>• Provision of crèches where twenty or more women are ordinarily employed as contract labour.</li> </ul>
<p>4. The Inter State Migrant Workmen (Regulation of Employment &amp; Conditions of Service) Act, 1979</p>	<p><b>Section 44</b> <b>Creche</b></p> <p>(1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of the rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishment.</p> <p>(2) One of such rooms shall be used as playroom for the children and the other as bedroom for the children.</p> <p>(3) If the contractor fails to provide the crèche within the time laid down, the same shall be provided by the Principal Employer within fifteen days of the expiry of the time allowed to the Contractor.</p> <p>(4) The contractor or the principal employer as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping, room.</p> <p>(5) The crèche shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.</p>

	<p>(6) The crèche shall be at a convenient distance from the establishment and shall have</p> <p>(7) Effective and suitable provisions shall be made in every room of the crèche for securing and maintaining adequate ventilation by circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.</p>
5. The Factories Act, 1948	<ul style="list-style-type: none"> <li>• Provision of crèches in every factory wherein more than thirty women workers are ordinarily employed.</li> <li>• Employment of women in factory is prohibited except between the hours of 6.00 A.M. to 7.00 P.M. However, in exceptional circumstances, employment of women is permitted upto 10.00 P.M.</li> <li>• Employment of women is also prohibited/restricted in certain factories involving dangerous operations</li> <li>• No women shall be allowed to clean, lubricate or adjust any part of prime mover while it is in motion.</li> <li>• No women shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work</li> </ul>
6. The Mines Act, 1952	<ul style="list-style-type: none"> <li>• Employment in mines below ground prohibited. In any mine above ground women workers are permitted between the hours of 6 am and 7 pm. The Central Govt. may, by notification, vary the hours of employment above ground of women. However, no employment of women between 10 pm and 5 am is permitted. Further, women employed above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of next period of employment. Provision of separate toilets and washing facilities for women workers is also part of the Act.</li> </ul>
7. The Maternity Benefit Act, 1961	<p>Following benefits are available under the Maternity Benefit Act 1961:-</p> <ul style="list-style-type: none"> <li>• 26 Weeks of maternity leave out of which eight weeks before the expected date of delivery for upto 2 surviving children. For more than two children</li> </ul>

	<p>and for adopting/commissioning mothers, 12 weeks of paid maternity leave.</p> <ul style="list-style-type: none"> <li>• One month maternity leave to a woman worker suffering from illness arising out of pregnancy, delivery, premature birth of child (miscarriage, medical termination of pregnancy or tubectomy operation).</li> <li>• Two nursing breaks of 15 minutes until the child attains the age of 15 months.</li> <li>• Medical Bonus of Rs.3500/- if no prenatal confinement and post-natal care is provided by the employer free of charge.</li> <li>• Light works for 10 weeks.</li> <li>• Immunity from dismissal during absence of pregnancy.</li> <li>• No deduction of wages of woman entitled to maternity benefit.</li> <li>• Facility of work from home'</li> <li>• Facility of crèche if 50 or more employees are working in the establishment with daily four visits.</li> </ul>
8. The Equal Remuneration Act,1976	<ul style="list-style-type: none"> <li>• Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act.</li> <li>• No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.</li> </ul>
9. Employee's State Insurance Act 1948 read with The Employee's State Insurance (Central) Regulation,1950	<p>The benefits available under ESI Scheme are as under:-</p> <ul style="list-style-type: none"> <li>• Medical Benefit</li> <li>• Sickness and extended sickness benefit</li> <li>• Maternity benefit <ul style="list-style-type: none"> <li>i) 26 weeks of paid leave for upto 2 children</li> <li>ii) 12 weeks for more than 2 children adopting and commissioning mothers.</li> <li>iii) 6 weeks for miscarriage.</li> <li>iv) Additional moths leave for sickness arising out of pregnancy.</li> </ul> </li> </ul>

	<p>v)Medical bonus of Rs.5000/-</p> <ul style="list-style-type: none"> <li>● Disablement benefits</li> <li>● Dependent benefits</li> <li>● Funeral benefits.</li> </ul>
10. The Beedi Workers Welfare Fund Act,1976	<ul style="list-style-type: none"> <li>● Appointment of women member in the Advisory and Central Advisory Committee is mandatory under the Acts at Sl. No.10-13</li> </ul>
11. The Iron Ore Mines, Manganese Ore Mines and Chrome Or Mines Labour Welfare Fund Act,1976	
12. The Lime Stone and Dolomite Mines Labour Welfare Fund Act,1972	
13. The Mica Mines Labour Welfare Fund Act,1946	
14. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996	<p><b>Section 35</b></p> <p><b>Creches</b></p> <p>(1) In every place where in, more than fifty female building workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such female workers,</p> <p>(2) Such rooms shall-</p> <ul style="list-style-type: none"> <li>(a) provide adequate accommodation;</li> <li>(b) be adequately lighted and ventilated;</li> <li>(c) be maintained in a clean and sanitary condition;</li> <li>● be under the charge of women trained in the care of children and infants</li> </ul>
15. The Industrial Employment (Standing Orders) Act,1946	<ul style="list-style-type: none"> <li>● Provision regarding safeguards against sexual harassment of women workers at their work places.</li> </ul>



## Chapter 12

## CHILDREN AND WORK

**Introduction**

**12.1** Government of India stands committed to the elimination of child labour in the country. Our Constitution provides for protection of children from involvement in economic activities and avocations unsuited to their age and this is provided for in the Fundamental Rights (Article-24). Directive Principles of State Policy in the Constitution also strongly reiterate this commitment.

**CONSTITUTIONAL PROVISIONS:****Article 21 A :Right to Education**

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

**Article 24 :Prohibition of employment of children in factories, etc.**

No child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

**Article 39 :The State shall, in particular, direct its policy towards securing:-**

The health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

**12.2** Realizing the multifaceted nature of this problem, the Government has embarked on a holistic and multi-pronged approach to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and processes and progressively covering those working in other occupations also. On the one hand, it provides for legal action for

enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour.

**National Child Labour Policy (NCLP)**

**12.3** Constitutional and legislative provisions providing protection to children against employment has been elaborated in the National Child Labour Policy announced in 1987. The policy 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:

- (i) A legislative action plan;
- (ii) Focuses on general development programmes for the benefit of the families of children; and
- (iii) Project-based action plan in areas of high concentration of child labour.

**Legal Protection of Children at Work**

**12.4** The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 as amended in 2016 inter-alia covers complete prohibition on employment or work of children below 14 years of age in all occupations and processes; linking the age of the prohibition of employment with the age for free and compulsory education under Right to Education Act, 2009; prohibition on employment of adolescents (14 to 18 years of age) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act.

**12.5** The Child Labour (Prohibition & Regulation) Amendment Rules, 2017, inter-alia, cover provision for prevention, rescue and rehabilitation

and convergence, definition of “help” in the family enterprises owned by the family of the child and regulation of child artists to ensure their safety and security. The Rules also provides for District Nodal Officer (DNO) and Task Force under the chairmanship of District Magistrate to ensure that the provisions of the Act are properly enforced.

**12.6** The Act defines the jurisdiction of both Central and State Governments in implementing the Act. The Central Government is the “appropriate Government” in relation to establishments under the control of the Central Government or a railway administration or a major port or a mine or oilfield. In all other cases, the State Government is the “appropriate Government”. The State Action Plan issued by the Ministry enumerates the actions arisen on the part of State Governments/UTs after enactment of the Amendment Act.

**12.7** The Schedule of hazardous occupations and processes of the Act is divided in two parts namely ‘Part A’ covering a list of hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help in family or family enterprises and ‘Part B’ covering an additional list of occupations and processes where children are prohibited to help in family or family enterprises (in addition to ‘Part A’). The revised schedule of the Act is at **Annexure 12.1**.

**12.8** After making suitable amendment in the Child Labour (Prohibition & Regulation) Act, in 2016 India ratified ILO conventions No.138 (minimum age of entry to employment) and 182 (worst form of child labour) on 13.06.2017. The ratification of the Convention No.138 and 182 would move a step ahead in the direction of achieving the goal of eradication of child labour from the country as it would be legally binding to comply with the provisions of the Conventions. By ratifying these two core conventions, India join majority of the countries who have adopted the legislation to prohibit and place severe restrictions on the employment and work of children.

**12.9** Government is also laying lot of stress on the enforcement of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986. For

violation of the provisions under the Act, during the last 6 years (2014-19) about 16.00 lakh inspections were carried out, resulting in approximately 10444 prosecutions out of which more than 3877 convictions were obtained.

**12.10** The Standard Operating Procedure (SOP) framed by the Ministry works as a ready reckoner for trainers, practitioners and monitoring agencies to ensure complete prohibition of child labour and protection of adolescents from hazardous labour ultimately leading to Child Labour Free India. The online portal PENCiL (Platform for Effective Enforcement for No Child Labour) developed by the Ministry provide for a mechanism for both enforcement of the legislative provisions and effective implementation of the National Child Labour Project (NCLP). The Portal has component like Complaint Corner, State Government, NCLP, Child Tracking System, and Convergence. Now complaint of child labour can be registered electronically on the Portal to the concerned District Nodal Officers (DNOs) for taking prompt action.

### **Project Based Action**

**12.11** Government had started the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in the child labour endemic districts of the country. As on date the Scheme is sanctioned in 324 districts of India. The list of districts in which Special Training Centres for child labour sanctioned under NCLP Scheme is at **Table 12.2**.

**12.12** The NCLP scheme is a Central Sector scheme. Under the scheme, project societies are set up at the district level under the Chairpersonship of the Collector/District Magistrate for overseeing the implementation of the project. Under the NCLP Scheme, children in the age group of 9-14 years, withdrawn from work are put into Special Training Centers, where they are provided with bridge education, vocational training, mid-day meal, stipend, health-care facilities etc. and finally mainstreamed to the formal education system. Children in the age group of 5-8 years are directly linked to the formal education system through a close coordination

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with the SarvaShikshaAbhiyan (SSA). Adolescent labour identified in the age group of 14 to 18 years working in hazardous occupations /process are provided with vocational training opportunities through existing scheme of skill developments. 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. At present, there are around 2705 NCLP training centers being run in the country with an enrolment of approximately 75 thousand children. Since inception about 13.50 lakh working children have already been mainstreamed to regular education system under the NCLP Scheme.

**12.13** The year-wise budget allocation and expenditure incurred under the scheme during last five years are as under:

Year	Budget Allocation (Final Grant) (in crores)	Expenditure (in crores)
2014-15	110.87	102.34
2015-16	99.45	93.20
2016-17	105.00	104.73
2017-18	95.17	94.03
2018-19	89.99	89.99
2019-20	92 (BE)	45.66 (as on 19 <sup>th</sup> November, 2019)

**Monitoring of the NCLP Scheme**

**12.14** A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment, exists for the overall supervision and monitoring, of the National Child Labour Projects. State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee.

**12.15** To ensure involvement of State Government in implementation and monitoring of the NCLP Scheme and to make awareness generation activities to curb the menace of child labour it has been decided to form State Resource Centre (SRC) in every State/UT under the Chairmanship of State Labour Secretary. The PENCilportal developed by the Ministry connect Central Governments, Districts and all Project Societies. The SRCs will coordinate and monitor the implementation of the NCLP Scheme in their respective State through PENCil portal and also update its reports on the portal.

**12.16** Ministry has developed Attendance Module for online attendance through Pencil portal for the children enrolled in the STCs under the NCLP Scheme and for speedy payment of stipend through DBT to children.

**Revision of the NCLP Scheme**

**12.17** Government has enhanced the amount of stipend from Rs.150/- to Rs.400/- per month per child, rates of honorarium for volunteers and other parameters of the scheme. Further, the volunteers involved in the scheme would be provided incentive on the basis of their performance. This new initiative would motivate them to improve their quality and efficiency. Government has simplified the guidelines for implementation of NCLP Scheme and decided to expand the coverage of the Scheme in all districts having incidence of child labour. The Ministry of Labour & Employment has issued instructions to State Governments for conducting survey on child labour in such districts where there is a possibility of incidence of child labour.

**CONVERGENCE OF GOVERNMENT PROGRAMMES**

**12.18** As Child labour is an outcome of various social economic problems such as poverty, economic backwardness, lack of access to basic services, illiteracy etc, the Government is taking very focused and concerted efforts towards the convergence of the on-going developmental schemes at the Central Government, State Government and the District level. Government of India initiatives to bestow certain rights and schemes for Employment Generation and Social

Security are all part of the efforts to eliminate child labour. Under the revised NCLP guidelines, much emphasis has been given for its convergence with ServaSikshaAbhiyan (SSA) and other schemes. School uniforms and text books to each child in the NCLP schools (STCs) is sought for under SSA whereas nutritious cooked mid-day meal is ensured through Mid-Day Meal (MDM) scheme of the Government. The provision of primary health care including health check-ups and maintenance of health cards is also provided through School Health Programme under NRHM.

**12.19** The educational rehabilitation of the children is also to be supplemented with economic rehabilitation of their families. The Government is adopting a sequential approach with focus on proper rehabilitation of not only the working children but their families also through revised NCLP scheme and convergence of various developmental schemes of the Government. Ministry of Women and Child Development is to provide for food and shelter to the children withdrawn from work through their schemes of Shelter Homes, etc as part of the Integrated Child Protection Programme. Ministry of Rural Development is to provide employment opportunities to the parents of the children near their place of residence under MGNREGA. Ministry of Consumer Affairs, Food and Public Distribution is to provide subsidized food grains under the Food Security Act.

#### **Re-alignment of NCLP Scheme with RTE Act, 2009**

**12.20** With the enactment of Right to Education Act, 2009, there has been 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 2.7.2010 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.

#### **Supreme Court Judgement on Child Labour**

**12.21** Hon'ble Supreme Court of India has issued

various directions to the State Governments from time to time. Some of these directions are:

- completion of survey of children working in hazardous employments;
- payment of compensation amounting to Rs.20,000/- by the offending employer for every child employed in contravention of the provisions of the Act;
- giving alternative employment to an adult member of the child withdrawn from the hazardous occupations or payment of an amount of Rs.5,000/- for each child employed in hazardous employment by the appropriate Government;
- payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- by the employer and Rs.5,000/- by the appropriate Government) to the family of the child withdrawn from work;
- provision of education in a suitable institution for the child withdrawn from work;
- constitution of the Child Labour Rehabilitation-cum-Welfare Fund;
- constitution of a separate cell in the Labour Department of the appropriate Government for the purpose of monitoring.

#### **Provision of Child & Adolescent Labour Rehabilitation Fund:**

**12.22** In order to give the statutory back up for the rehabilitation Fund, the Government has made a provision in the Child Labour (Prohibition & Regulation) Amendment Act, 2016 for constitution of Child & Adolescent Labour Rehabilitation Fund at district level to ensure that child and adolescent is not only rescued but his future is secured by the amount collected in fund for his welfare and education. The amount of fine realized from the employer of the child or adolescent shall be credited in the rehabilitation Fund and an amount of fifteen thousand will also be credited by the appropriate Government for each of the child and adolescents rescued from the work.



**PART A****Hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help**

- (1) Mines and Collieries (underground and underwater) and related work in,-
  - (i) stone quarries;
  - (ii) brick kilns;
  - (iii) preparatory and incidental processes thereof including extraction, grinding, cutting, splitting, polishing, collection, cobbling of stones or lime or slate or silica or mica or any other such element or mineral extracted from the earth; or
  - (iv) open pit mines.
- (2) Inflammable substances and explosives such as -
  - (i) production, storage or sale of fire crackers;
  - (ii) for manufacture, storage, sale, loading, unloading or transport of explosives as defined under the Explosives Act, 1884 (4 of 1884);
  - (iii) work relating to manufacturing, handling, grinding, glazing, cutting, polishing, welding, moulding, electro-plating, or any other process involving inflammable substances;
  - (iv) waste management of inflammable substances, explosives and their by-products; or
  - (v) natural gas and other related products.

**Hazardous processes(serial numbers (3) to (31) below are as specified in the First Schedule of the Factories Act, 1948 (63 of 1948))**

- (3) Ferrous Metallurgical Industries
  - (i) Integrated Iron and Steel;
  - (ii) Ferro-alloys;
  - (iii) Special Steels.
- (4) Non-ferrous Metallurgical Industries: Primary Metallurgical Industries, namely zinc, lead, copper, manganese and aluminium.
- (5) Foundries (ferrous and non-ferrous): Castings and forgings including cleaning or smoothening or roughening by sand and shot blasting.
- (6) Coal (including coke) Industries:
  - (i) Coal, Lignite, Coke, similar other substance;
  - (ii) Fuel Cases (including Coal Gas, Producer Gas, Water Gas).
- (7) Power Generating Industries.
- (8) Pulp and paper (including paper products) Industries.
- (9) Fertilizer Industries:
  - (i) Nitrogenous;
  - (ii) Phosphatic;
  - (iii) Mixed.
- (10) Cement Industries: Portland Cement (including slag cement, puzzolona cement and their products).



- (11) Petroleum Industries:
  - (i) Oil Refining;
  - (ii) Lubricating Oils and Greases.
- (12) Petro-chemical Industries.
- (13) Drugs and Pharmaceutical Industries: Narcotics, Drugs and Pharmaceuticals.
- (14) Fermentation Industries (Distilleries and Breweries).
- (15) Rubber (Synthetic Industries).
- (16) Paints and Pigment Industries.
- (17) Leather Tanning Industries.
- (18) Electro-plating Industries.
- (19) Chemical Industries:
  - (i) Coke Oven By-products and Coaltar Distillation products;
  - (ii) Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydrocarbon, ozone, similar other gas);
  - (iii) Industrial Carbon;
  - (iv) Alkalies and Acids;
  - (v) Chromates and dichromates;
  - (vi) Lead and its compounds;
  - (vii) Electro chemicals (metallic sodium, potassium and magnesium, chlorates, per chlorates and peroxides);
  - (viii) Electro thermal produces (artificial abrasive, calcium carbide);
  - (ix) Nitrogenous compounds (cyanides, cyanamides, and other nitrogenous compounds);
  - (x) Phosphorus and its compounds;
  - (xi) Halogens and Halogenated compounds (chlorine, fluorine, bromine and iodine);
  - (xii) Explosives (including industrial explosives and detonators and fuses).
- (20) Insecticides, Fungicides, Herbicides and other pesticides industries.
- (21) Synthetic Resin and Plastics.
- (22) Man-made Fiber (Cellulosic and non-cellulosic) industry.
- (23) Manufacture and repair of electrical accumulators.
- (24) Glass and Ceramics.
- (25) Grinding or glazing of metals.
- (26) Manufacture, handling and processing of asbestos and its products.
- (27) Extraction of oils and fats from vegetable and animal sources.
- (28) Manufacture, handling and use of benzene and substances containing benzene.
- (29) Manufacturing processes and operations involving carbon disulphide.
- (30) Dyes and dyestuff including their intermediates.
- (31) Highly flammable liquids and gases.
- (32) Process involving handling and processing of hazardous and toxic chemicals as specified in Part-II of the Schedule I to the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
- (33) Work in slaughter houses and abattoirs including work with guillotines.
- (34) Work involving exposure to radioactive substances including electronic waste and

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- incidental processes therein.
- (35) Ship breaking.
- (36) Salt Mining or Salt Pan Work.
- (37) Hazardous processes as specified in Schedule IX to the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules, 1998.
- (38) Work in beedi-making or processing of tobacco including manufacturing, pasting and handling tobacco or any drugs or psychotropic substance or alcohol in any form in food processing and beverage industry and at bars, pubs, parties or other similar occasions that serve alcoholic substances.

**PART B****List of occupations and processes where children are prohibited to help in family or family enterprises (in addition to PART A)****Occupations**

Any occupation concerned with -

1. transport of passengers, goods or mails by railways;
2. cinder picking, clearing of an ash pit or building operation in the railway premises;
3. work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
4. work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway tracks;
5. a port authority within the limits of any port;
6. automobile workshops and garages;
7. handloom and powerloom industry;
8. plastic units and fiberglass workshops;
9. domestic workers or servants;
10. dhabas (roadside eateries), restaurants, hotels, motels, resorts;
11. diving;
12. circus;
13. caring of Elephant;
14. power driven bakery machine;
15. shoe making.

**Processes**

1. Carpet-weaving including preparatory and incidental process thereof;

2. Cement manufacture, including bagging of cement;
3. Cloth printing, dyeing and weaving including processes, preparatory and incidental thereto;
4. Shellac manufacture;
5. Soap manufacture;
6. Wool-cleaning;
7. Building and construction industry including processing and polishing of granite stones; hauling and stacking materials; carpentry; masonry;
8. Manufacture of slate pencils (including packing);
9. Manufacture of products from agate;
10. Cashew and cashew nut descaling and processing;
11. Metal cleaning, photo engraving and soldering processes in electronic industries;
12. Aggarbatti manufacturing;
13. Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting;
14. Roof tiles units;
15. Cotton ginning and processing and production of hosiery goods;
16. Detergent manufacturing;
17. Fabrication workshops (ferrous and non-ferrous);
18. Gem cutting and polishing;
19. Handling of chromite and manganese ores;
20. Jute textile manufacture and coir making;
21. Lime kilns and manufacture of lime;
22. Lock making;

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23. Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zincsilicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of leadpaint, burning of lead in enamelling workshops, lead mining, plumbing, cable making, wirepatenting, lead casting, type founding in printing shops. shot making and lead glass blowing;
24. Manufacture of cement pipes, cement products and other related work;
25. Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products;
26. Manufacturing or handling of pesticides and insecticides;
27. Manufacturing or processing and handling of corrosive and toxic substances;
28. Manufacturing of burning coal and coal briquettes;
29. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;
30. Oil expelling and refinery;
31. Paper making;
32. Potteries and ceramic industry;
33. Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms;
34. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
35. Saw mill – all processes;
36. Sericulture processing;
37. Skinning, dyeing and processes for manufacturing of leather and leather products;
38. Tyre making, repairing, re-treading and graphite beneficiation;
39. Utensils making, polishing and metal buffing;
40. 'Zari' making and processes involving the use of zari (all processes);
41. Graphite powdering and incidental processing;
42. Grinding or glazing of metals;
43. Diamond cutting and polishing;
44. Rag picking and scavenging;
45. Mechanized fishing;
46. Food processing;
47. Beverage industry;
48. Cultivating, sorting, drying and packaging in spice industry;
49. Timber handling and loading;
50. Mechanical lumbering;
51. Warehousing;
52. Massage parlours, gymnasiums, or other recreational centres, or in medical facilities;
53. Operations involving the following dangerous machines:-
  - (a) hoists and lifts;
  - (b) lifting machines, chains, ropes and lifting tackles;
  - (c) revolving machinery;
  - (d) power presses;
  - (e) machine tools used in the metal trades;
54. Composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding, as specified in sub-clause (iv) of clause (k) of section 2 of the Factories Act, 1948."

Table 12.2

**CONSOLIDATED LIST OF DISTRICTS STATE-WISE UNDER THE NCLP SCHEME**

Sl. No.	Name of State	No. of Sanctioned Districts	Name of District
1.	Andhra Pradesh	13	Anantapur, Chittoor, Kadapa, Guntur, Kurnool, Nellore, Prakasam, Srikakulam, Vizianagaram, Vishakhapatnam, West Godavari, East Godavari, and Krishna.
2.	Assam	5	Nagaon, Kamrup, Bongaigaon, Nalbari and Lakhimpur
3.	Bihar	24	Nalanda, Saharsa, Jamui, Katihar, Araria, Gaya, East Champaran, West Champaran, Madhepura, Patna, Supaul, Samastipur, Madhubani, Darbhanga, Muzaffarpur, Nawada, Khagaria, Sitamarhi, Kishanganj, Begusarai, Banka, Saran, Purnia and Bhagalpur
4.	Chhattisgarh	8	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Raipur, Dantewada and Korba
5.	Gujarat	9	Surat, Panchmahals, Kutch (Bhuj), Banaskantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
6.	Haryana	3	Gurgaon, Faridabad and Panipat
7.	Jammu & Kashmir	3	Srinagar, Jammu and Udhampur
8.	Jharkhand	9	Garhwa, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi, Palamu, Gumla and Hazaribagh
9.	Karnataka	17	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Devangere, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar, Mandya, Haveri and Tumkur
10.	Madhya Pradesh	22	Mandsaur, Gwalior, Ujjain, Barwani, Rewa, Dhar, East Nimar (Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Shajapur, Ratlam, West Nimar (Khargon), Jhabua, Damoh, Sagar, Jabalpur, Satna, Indore and Katni.
11.	Maharashtra	18	Solapur, Thane, Sangli, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia, Mumbai Suburban, Pune, Buldana and Parbhani.
12.	Nagaland	1	Dimapur
13.	Odisha	24	Angul, Balasore, Bargarh, Bolangir, Cuttack, Deogarh, Gajapati (Udayagiri), Ganjam, Jharsuguda, Kalahandi, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonepur, Jajpur, Keonjhar, Dhenkanal, Khurda, Nayagarh and Sundergarh.



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14.	Punjab	3	Jalandhar, Ludhiana and Amritsar
15.	Rajasthan	27	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalore, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Sri Ganganagar, Barmer, Dausa, Hanumangarh, Kota and Baran.
16.	Tamil Nadu	18	Chidambaranar/Toothikudi (Tuticorin), Coimbatore, Dharmapuri, Vellore, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni. Kanchipuram, Thiruvannamalai, Tiruvallur, Pudukkottai, Nammakkal and Virudhunagar.
17.	Telangana	31	Hyderabad, Karimnagar, Khammam, Nizamabad, Rangareddy, Warangal, Nalgonda, Medak, Mehbubnagar, Adilabad, Mancherial, Nirmal, Komuram Bheem Asifabad, Jagtiyal, Warrangal (Urban), Jayashankar Bhupalpally, Jangaon, Sangareddy, Siddipet, Wanaparthy, Nagarkurnool, Jogulambab Gajwal, Suryapet, Medchal Malkajgiri, Vikarabad, Mahabubabad, Pedapally, Rajanna Sircilla, B.Kothagudem, Y.Bhuvanagiri and Kamareddy.
18.	Uttar Pradesh	55	Varanasi, Mirzapur, Bhadohi (Sant Ravi Das Nagar), Bulandshahar, Saharanpur, Azamgarh, Bijnour, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Kannauj, Shajahanpur, Rae Bareilly, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonbhadra, Mau, Kaushambi, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Etah, Moradabad, Allahabad, Kanpur Nagar, Aligarh, Ambedkar Nagar, Balia, Gautambudh Nagar, Hapur, Jhansi, Lalitpur, Mainpuri, Sambhal and Ferozabad.
19.	Uttarakhand	13	Dehradun, Chamoli, Nainital, Champawat, Almora, Haridwar, Tehri Garhwal, Pauri Garhwal, Udham Singh Nagar, Pithoragarh, Rudrapur, Bageshwar and Uttarkashi.
20.	West Bengal	20	Burdwan, North Dinajpur, Dakshin Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad, West Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hoogli, Howrah, Jalpaiguri, Cooch Behar, East Midnapore, Darjeeling and Alipurduar.
21.	Delhi	1	NCT of Delhi
	Total	324	

## Chapter 13

# OCCUPATIONAL SAFETY & HEALTH (OSH)

## DIRECTORATE GENERAL FACTORY ADVICE SERVICE & LABOUR INSTITUTES

### A THE ORGANISATION

**13.1** The Directorate General Factory Advice Service & Labour Institutes (DGFASLI), Mumbai which is an attached office of the Ministry of Labour & Employment, functions as a technical arm of the Ministry in regard to matters concerned with safety, health and welfare of workers in factories and ports. It assists the Central Government in formulation/review of policies and legislations on occupational safety and health in factories and ports, maintains a liaison with Factory Inspectorates of States and Union Territories in regard to the implementation and enforcement of provisions of the Factories Act, 1948; renders advice on technical matters, enforces the Dock Workers (Safety Health & Welfare) Act, 1986; undertakes research in industrial safety, occupational health, industrial hygiene etc.; and provides training, mainly, in the field of industrial safety and health including one year Diploma Course in Industrial Safety, three-months Certificate Course in Industrial Health (Associate Fellow of Industrial Health -AFIH), 5-week Specialized Certificate Course in Safety and Health for Supervisory Personnel working in Hazardous Process Industries.

**13.2** The DGFASLI organisation comprises of the headquarters; five Labour Institutes and 11 Inspectorates of Dock Safety in Major Ports. The Headquarters in Mumbai has three divisions/cells, namely, Factory Advice Service Division, Dock Safety Division and an Award Cell.

The Central Labour Institute in Mumbai started working from 1959 and was shifted to its present premises in February' 1966. Over the years, the Institute has grown and assumed the status of a

major National Resource Centre with the following divisions:

- **Industrial Safety**
- **Industrial Hygiene**
- **Industrial Medicine**
- **Environmental Engineering**
- **Staff Training and Productivity**
- **Major Hazards & Chemical Safety**

**13.3** The different divisions at the Institute undertake activities such as carrying out studies and surveys, organizing training programmes, seminars and workshops, rendering services, such as, technical advice, safety audits, testing and issuance of performance reports for personal protective equipment, delivering talks, etc.

**13.4** The Regional Labour Institutes (RLIs) located in Chennai, Faridabad, Kanpur and Kolkata, are serving the respective regions of the country. Each of these institutes has the following divisions/ sections:

- **Industrial Safety**
- **Industrial Hygiene**
- **Industrial Medicine**

**13.5** The Inspectorates of Dock Safety are established at 11 major ports of India viz. Kolkata, Mumbai, Chennai, Visakhapatnam, Paradip, Kandla, Mormugao, Tuticorin, Cochin, New Mangalore and Jawaharlal Nehru Port. The Inspectorate of Dock Safety at Ennore Port is in the process of being set up.

**13.6** The manpower inventory of the organization as on 01.10.2019 is given in box as below:

## Staff Position of DGFASLI

Name of the Department	Group A			Group B			Group C			Total		
	S	W	V	S	W	V	S	W	V	S	W	V
Head Quarters	15	7	8	24	16	8	22	12	10	61	35	26
CLI, Mumbai	22	18	4	6	5	1	82	55	27	110	78	32
RLI, Chennai	9	5	4	2	1	1	29	15	14	40	21	19
RLI, Kanpur	9	6	3	2	1	1	29	14	15	40	21	19
RLI, Kolkata	9	5	4	2	1	1	29	10	19	40	16	24
RLI, Faridabad	8	4	4	2	1	1	11	5	6	21	10	11
Inspectorates Dock Safety	14	9	5	11	8	3	31	14	17	56	31	25
Total	86	54	32	49	33	16	233	125	108	368	212	156

Note - S: Sanctioned Strength, W: Working, V: Vacant

## A ACTIVITIES OF THE ORGANISATION

### I. Safety and Health in Factories

**13.7** The Factories Act, 1948 is the principal legislation for regulating various aspects relating to safety, health and welfare of workers employed in factories. This Act is a Central Enactment, which aims at protecting workers employed in factories from industrial and occupational hazards. The State Governments and Union Territory Administration frame their Rules under the Act and enforce provisions of the Act and respective rules through their Factory Inspectorates/Directorates.

**13.8** The Ministry of Labour and Employment is accountable to the Parliament for proper enforcement of the Act. Uniformity in the application of the provisions of the Act in various States and Union Territories is achieved by circulating the Model Rules prepared by DGFASLI, which are incorporated by them in their State Factories Rules with necessary modifications to suit local needs. In the task of framing the Model Rules, the DGFASLI, on behalf of the Ministry of

Labour and Employment, enlists the cooperation and involvement of the State Governments by convening annually a Conference of Chief Inspectors of Factories (CIF) of the states and UTs. The Conference discusses all matters relating to the administration of the Act as well as proposed amendments. Besides, the Conference also serves as a forum for discussion of the progress made in the techniques and methods of prevention of accidents and ill health in factories. The Model Rules are updated in consultation with the CIFs.

### II. Dock Safety

**13.9** The Dock Workers (Safety, Health and Welfare) Act, 1986 was enacted on 14th April' 1987. The Dock Workers (Safety, Health and Welfare) Rules, 1989 and Regulations, 1990 were framed under this Act. The Act and Regulations cover the safety, health & welfare aspects of dock worker engaged in loading, unloading & transportation of cargo, including the work incidental to dock work. In addition, the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 framed

under the Environment (Protection) Act, 1986 are also enforced by DGFASLI in the major ports of India through the Inspectorates of Dock Safety.

**13.10** Administration of the Act and the Regulations in major ports is carried out by the Ministry of Labour & Employment, through DGFASLI, Mumbai. The Director General is the Chief Inspector of Dock Safety appointed under the Act. The Chief Inspector of Dock Safety is also an authority for enforcement of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 framed under the Environment (Protection) Act, 1986 in the major ports.

**13.11** The above statutes are enforced by the Inspectors posted at Inspectorate of Dock Safety at all the major ports viz. Mumbai, Kolkata, Chennai, Kandla, Mormugao, New Mangalore, Cochin, Tuticorin, Visakhapatnam, Paradip and Jawaharlal Nehru Port except Ennore where the Inspectorate is being set up. Presently, the enforcement in this Port is carried out by the Inspectors posted in Inspectorate Dock Safety, Chennai.

**13.12** The main function of the Inspectorates is to ensure the compliance with the provisions under the statutes. The statutory responsibilities of Inspector include inspection of ships, tankers, loose-gears, container-handling equipment, docks, container-yard and terminal, hazardous installations and isolated storages, tanks; carrying out the investigation of accidents (fatal and serious) and dangerous occurrences; prosecution of employers, attending to complaints, providing advisory services and conducting safety promotional activities like training programmes, workshops, celebration of safety week etc. The Inspectorate also prosecutes the agency responsible for violation of any provision of the Act and Regulations framed there under.

#### **(a) Activities- Performed**

1. Enforcement activities (various inspections,

investigations, prosecutions, promotional activities etc.) were carried out by the Dock Safety Inspectorates at all major ports for the administration and enforcement of the Dock Safety statutes.

2. Organised two days National Technical meet on "OSH in the field of Testing, Examination & Certification of Lifting Appliances, Loose Gears & Wire Ropes for Competent Persons on 27<sup>th</sup> & 28<sup>th</sup> June, 2019 at CLI, Mumbai.

3. Organised National Workshop for Inspectors of Dock Safety on 2<sup>nd</sup> & 3<sup>rd</sup> May, 2019 at Visakhapatnam, Andhra Pradesh.

4. Conducted induction training programme at CLI, Mumbai for direct recruited Group 'A' & 'B' Officers of DGFASLI on 29<sup>th</sup> & 30<sup>th</sup> August, 2019.

5. Implementation of Risk Based Random Inspection System (RBRIS).

6. Follow-up on Phase-I comprehensive amendment proposed to the Dock Workers (Safety, Health & Welfare) Regulations, 1990.

7. Participated in "Preparation of Draft Model Rules for the load test, examination & certification of hoists & lifts under section 28 of the Factories Act, 1948" on 4<sup>th</sup> & 5<sup>th</sup> September, 2019 at RLI, Faridabad.

#### **(b) Activities- Forecast**

1. Enforcement activities (various inspections, investigations, prosecutions, etc.) will be carried out by the Dock Safety Inspectorates at all major ports for the administration and enforcement of the Dock Safety statutes.

2. Follow-up action on implementation of decisions taken during the 14th meeting of Advisory Meeting.

3. Comprehensive amendment to the Dock Workers (Safety, Health & Welfare) Act, 1986 & Regulations, 1990 will be processed.

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4. Implementation of Online based platform for grant/renewal of competency for competent persons, grant/renewal of empanelment of doctors for medical examination of Dock Workers, grant/renewal of empanelment of trainer(s) and training centre(s) for conducting training programme(s) for dock workers & Site notification for MAH installations.

**III. TRAINING PROGRAMMES****Professional Programmes**

- One year Advanced / Post Diploma in Industrial Safety Courses for 2019-20 were held at CLI Mumbai, RLI Kolkata, RLI Chennai, RLI Kanpur and RLI Faridabad, benefitting 231 participants from 199 organisations to become qualified Safety Officers as required under Section 40-B of the Factories Act, 1948 and Rules made there under.
- Three months Associate Fellow in Industrial Health (AFIH) Course for 2019-20 was held at CLI, Mumbai & RLI, Chennai, RLI, Kolkata and RLI, Faridabad benefitting 105 Medical personnel from 38 organisations

Training Programmes are conducted in the field of Industrial Safety and Health. During the period April-October' 2019, 15 training programmes including seminar/workshops and in-plant training were conducted. Also, 112 Appreciation programmes were conducted for 3068 beneficiaries at various divisions of DGFASLI, CLI, Mumbai and the four Labour Institutes, in Faridabad, Kanpur, Kolkata and Chennai.

**IV. STUDIES AND SURVEYS**

**National Studies and Surveys** are undertaken by DGFASLI, in its efforts towards helping the Central Government to ascertain the status of working conditions, safety and health in factories and port sector, and to formulate the appropriate standards for inclusion in statutes. A national level 'National Survey on Occupational Safety & Health'

(as per Section 91-A of the Factories Act, 1948) has been undertaken in silicosis affected areas in India w.r.t. to the implementation of the order of the Hon'ble Supreme Court.

**Unit level consultancy studies** are carried out at the request of the management and reports are submitted for implementation of the recommendations for further improvements in factories concerned. A total 16 Consultancy studies were carried out during the period April – October' 2019.

**V. NATIONAL REFERRAL DIAGNOSTIC CENTRE**

Cases of occupational diseases, such as, silicosis, occupational dermatitis etc. are referred to the National Referral Diagnostic Centre for opinion.

**VI. MANAGEMENT INFORMATION SERVICES**

Management Information Service (MIS) Division of Central Labour Institute, Mumbai proved to be the best source of information about the activities of DGFASLI. The goals of MIS are to implement the organizational structure and dynamics of the department for managing the organization in a better way and capturing the potential of the information on OSH for competitive advantage to the industries as well as State Governments. The basic functioning of MIS is:

- Website updating and management: - DGFASLI website had been launched with URL: [www.dgfasli.nic.in](http://www.dgfasli.nic.in). This website contains the information on Statutes on Safety and Occupational Health, Factories Act 1948, Dockworkers safety & Health regulation, major research project initiated during five-year plan, advisory services on PPE of Respiratory and Non-Respiratory systems.
- Under 'Digital India' campaign online form for approval of competent person and notification



of site has been developed and hosted on website of DGFASLI and being monitored by national portal.

- The Library cum information centre has been equipped with more than 25,000 books on occupational safety and health along with various journals on OSH.
- Website also uploaded with information on MSDS, abstracts of studies, Training Calendar, Tenders and Notices on ADIS, AFIH related information.

## VII. INDUSTRIAL SAFETY, HEALTH & WELFARE CENTRE

Industrial Safety, Health and Welfare Centre of the Central Labour Institute and Regional Labour Institutes promote the hazard communication through display of panels, models, charts, graphs, write-ups etc. which is visited by workers, executives from industry and delegates from other countries. During the period April –October' 2019, total 3068 visitors benefitted through 112 Appreciation programmes conducted on Safety & Health in this centre.

## VIII. TESTING OF PERSONAL PROTECTIVE EQUIPMENT

The laboratories for respiratory and non-respiratory personal protective equipment testing at Central Labour Institute, Mumbai undertake performance tests of Canisters, Dust Masks, SCBA Air Quality equipment, Helmets, Safety Shoes, Safety Goggles, Safety Belts and Welding Glasses etc. Respiratory protective equipment such as dust respirators, canisters, dust filters etc. and Non-Respiratory equipment such as helmets, safety shoes etc. are tested to ascertain their performance characteristics as per relevant BIS standards.

## IX. REPRESENTATION ON BIS COMMITTEES

Officers of DGFASLI represented on several BIS Committees/Sub-committees dealing with Safety

and Health matter and offered comments on draft standards.

## X. PROMOTIONAL ACTIVITIES- (AWARD SCHEMES)

The DGFASLI on behalf of the Ministry of Labour has been implementing the Vishwakarma Rashtriya Puraskar (VRP) (earlier known as ShramVir National Awards) and the National Safety Awards scheme since 1965. These schemes were modified in 1971, 1978 and again in 2007. The schemes presently in operation are as under:

- **Vishwakarma Rashtriya Puraskar:** It is designed to give recognition at the national level to outstanding suggestions resulting in:
  - (i) Higher productivity
  - (ii) Improvement in safety and working conditions
  - (iii) Savings in foreign exchange (import substitution as well as quality and safety of products) and
  - (iv) Improvement in the overall efficiency of the establishments. It covers workers employed in factories, docks, construction sites and Nuclear Installation.

28 Vishwakarma Rashtriya Puraskar (VRP) awards are given in the form of cash prize and a certificate of merit in three categories: Five Awards of ₹ 75,000/- in Class 'A', Eight Awards of ₹ 50,000/- in Class 'B' and Fifteen Awards of ₹ 25,000/- in class 'C' categories.

- **National Safety Awards:** National Safety Awards are given in recognition of good safety performance on the part of the industrial establishments registered under The Factories Act, 1948, the employers covered under The Dock Worker (Safety, Health and Welfare) Act, 1986 and The

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Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and installations under The Atomic Energy Regulatory Board (AERB). The awards are given under twelve schemes, out of which ten are meant for Factories /Construction sites /Installations under AERB and two are for Ports. Under each award, a Shield and a Certificate of Merit is given to each of the Award Winners and Runners-up. The establishments are classified in different schemes based on working of highest man-hours.

**Awards Distribution Function for VRP and NSA (Performance year 2017):**

Vishwakarma Rashtriya Puraskar (VRP) & National Safety Awards (NSA) function was organised in VigyanBhawan, New Delhi on 17th September 2019. The awards were given by Hon'ble Minister of State (Independent Charge) for Labour & Employment Shri Santosh Kumar Gangwar. 28 Vishwakarma Rashtriya Puraskar (VRP) shared by 131 individuals and 130 National Safety Awards (NSA) in twelve categories which include 81 winners and 49 runners-up were given for the performance year 2017.

The VRP and NSA awards work both as an impetus as well as a catalyst to unleash the latent and untapped potentials of the promising workers at the plant level while recognizing the excellent performance of the companies in preventing accidents and promoting safety at work place. They stimulate and sustain the interest of both the managements and the workers alike in

accident prevention and safety promotional programmes. The applications of these awards are invited through wide publicity across the country. The applications thus, received for VRP as well as NSA are adjudged by a Tripartite Awards Committee consisting of representation from employers' organizations, employees' organizations and Central/State Governments. This Tripartite Committee is constituted by the Ministry of Labour & Employment, Govt. of India. Apart from the tripartite representation, there are also experts on the Committee from renowned Institutions, Universities and industry in the field of safety, health, environment, productivity and quality.

**XI. SCHEMES OF DGFASLI**

During the year 2018-19 DGFASLI is implementing the scheme: Strengthening of DGFASLI Organisation and Development of OSH in Factories, Ports & Docks. The Scheme has three components.

1. Component-I: "Strengthening of DGFASLI Organization and OSH in Factories, Ports & Docks"

**Objectives:**

To strengthen the infrastructure facilities at DGFASLI organisation including Central Labour Institute at Mumbai and Regional Labour Institutes located at Chennai, Kanpur and Kolkata and Inspectorates Dock Safety at the 11 major ports for improving occupational safety and health status of workers in factories, ports and docks throughout the country thereby contributing in prevention and control of occupational injuries and diseases.

**Achievements and Forecast Activities**

Sl. No.	Major Component and Activities	Achievements (Apr- Oct' 2019)	Forecast Activities (Nov' 2019 – Mar' 2020)
1.	a) Development of National Inventory on OSH information and follow up	-	*

	b) Upgradation and development of data bases	5	*
	c) Development of Application Programmes	1	*
	d) Material Safety Data Sheet (MSDS) on request	-	*
	e) Industry-wise safety and health information	33	*
	f) Publication of Manuals, brochures	30	*
a)	Implementation of minimum agenda for e-governance	-	*
b)	Conduction of specialized training programmes, seminars, workshops	47	32
c)	Conduction of studies/surveys/audits	16	10
d)	Enforcement activities in major ports (inspection of ships, container ship, loose gears, docks, container yards, hazardous installations, etc.)	2964	2000
e)	Testing of Respiratory & Non-Respiratory PPE	RPPE: 80 NRPPE: 105	RPPE: 50 NRPPE: 75

## 2. Component-II: “Development of Regional Labour Institute Faridabad as Advanced Centre of Safety Systems for MSME and Chemical Process Units”

### Objectives:

- The objective of the scheme is to develop Regional Labour Institute, Faridabad as an advance centre of Safety Systems to meet the specialized needs of MSMEs and
- Chemical Process Industry.
- Development of Advance Training Centre, Advance Research Centre and Awareness Centre for carrying out the Technical activities.
- To develop wide spectrum Door-step Facility to impart knowledge, skills and develop awareness among the work-force and owner-managers of MSMEs.

### Achievements and Forecast Activities

Sl. No.	Major Component and Activities	Achievements (Apr- Oct' 2019)	Forecast Activities (Nov' 2019 – Mar' 2020)
1.	Creation of various posts	—	—
2.	Setting up of Centres / Laboratories*	Nil	—
3.	1 or 2 days duration training programme	2	—
4.	3 or more days duration training programme	3	2
5.	In-plant Training*	Nil	1

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6.	Training programme for Target Groups i.e. Factory Inspectors/ Safety Officers etc.	2	—
7.	One-year post Diploma course in Industrial Safety	1	1
8.	Certificate course - Associate Fellow of Industrial Health (AFIH) for Medical Officers	1	—
9.	Training programme for SMEs	1	—
10.	Studies/Surveys/Audits	2	2
11.	National Seminar/ conference/Workshops	Nil	1
12.	Publications/ Posters	—	—
13.	Video film	—	—
14.	Awards	1	1

*\*depending upon the requirement*

### 1. Component-III: “Development of Regional Labour Institute Shillong.

The objective of the scheme is to cater to the needs of the North-Eastern Region in the areas of Occupational, Safety & Health. During the year the CPWD has initiated the construction of the building for RLI, Shillong.

#### C. NEW INITIATIVES

- The CLI/ RLIs have been assigned as Centre of Excellence in specific areas as follows:

CLI, Mumbai	Dock Safety and Engineering Industry.
RLI, Faridabad	MSME and Chemical Process Safety.
RLI, Chennai	Construction and Automobile Industry.
RLI, Kanpur	Sugar Industry and Power Generation
RLI, Kolkata	Ferrous and Non-Ferrous Metals and Paper Industry

### DIRECTORATE GENERAL OF MINES SAFETY (DGMS)

**13.13** Directorate General of Mines Safety (DGMS) is a subordinate office under the Ministry of Labour and Employment with its headquarters at Dhanbad (Jharkhand). It administers Safety, Welfare and Health of workers employed in mines in India and functions as a technical supplement to the Ministry in this area. Safety, Welfare and Health of workers employed in mines are the concern of Central Government (Entry 55 - Union List - Article 246) under the Constitution of India. These are regulated by the Mines Act, 1952 and the Rules and Regulations framed thereunder. Apart from administering the Mines Act and Subordinate Legislation thereunder, DGMS also administers some other allied legislation in the mining sector.

**13.14** Minerals are depleting assets of a nation. Extraction of the same from below the surface of the earth is fraught with in-numerable dangers. Mining has been and continues to be a hazardous profession and has rightly been deemed to be a war with the unpredictable forces of nature. The

condition of roof and sides of underground mines can change without any prior indication. Dangers due to sudden inrush of water, release of lethal and inflammable gases or the fall of roof and side are inherent to mining and it is essentially because of such unpredictable dangers that mining is considered the most hazardous of all peace-time occupations.

**13.15** Mineral constitutes the backbone of the economic growth of any nation and India has been eminently endowed with this gift of nature. Progressive industrialization witnessed the rise in demand. Growth of mining under the impact of successive Five Year Plans had been phenomenal. To take care of the enhanced targets, mechanization of mining activities has taken place. Large-scale mechanization led to higher risk to health and safety of the persons deployed in mines. Accordingly the role of the **Directorate-General of Mines Safety (DGMS)** has also broadened.

**13.16** The Mines Act, Subordinate Legislation thereunder and other allied legislations administered by the Directorate are as follows:

#### **Mines Act, 1952**

- Coal Mines Regulations, 2017.
- Metalliferous Mines Regulations, 1961.
- Oil Mines Regulations, 2017.
- Mines Rules, 1955.
- Mines Vocational Training Rules, 1966.
- Mines Rescue Rules, 1985.
- Mines Crèche Rules, 1966.
- Coal Mines Pit Head Bath Rules, 1959.

#### **Section 1.01 Electricity Act, 2003**

- Central Electricity Authority Regulations, 2010

#### **Section 1.02 Allied Legislation**

- Factories Act, 1948: Chapters III & IV

- Manufacture, Storage & Import of Hazardous Chemicals Rules, 1989 under Environmental Protection Act, 1986
- The Coal Mines (Conservation & Development) Act, 1974

#### **Role and Function of DGMS**

##### **13.17 Vision of DGMS**

To attain risk and hazard free conditions of work and welfare of persons employed in mines.

##### **13.18 Mission of DGMS**

To identify and reduce risk of accidents and occupational diseases in and around the mine by:

- Development of suitable legislation, rules, regulations, standards and guidelines
- Adequate measures to ensure compliance and
- Awareness initiatives to inculcate safety and health culture amongst work-persons and stakeholders

##### **13.19 Current functions of DGMS broadly include:**

1. Inspection of mines.
2. Investigation into -
  - (a) accidents
  - (b) dangerous occurrences - emergency response
  - (c) complaints & other matters.
3. Grant of :
  - (a) statutory permission, exemptions & relaxations
  - (b) approval of mine safety equipment, material & appliances.
4. Maintaining information/ reports regarding



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accidents, enquiries related to accidents (as per rules/ regulation) etc. for future planning.

5. Based on the above, reports are submitted to various Parliament Committees as per requirements.

6. Interactions for development of safety equipment, material and safe work practices through workshop etc.

7. To compile, process and maintain the data related to accidents statistics pertaining to Mines (Coal & Non-Coal)

8. Publication: To bring out the following publications periodically :

- (a) Statistics of Mines in India, Volume - I (Coal) -(Yearly)
- (b) Statistics of Mines in India, Volume - II (Non-Coal) - (Yearly)
- (c) Monthly Review of Accident (on the DGMS web-site) (Monthly)
- (d) DGMS Standard Note - Yearly

9. Dissemination of mines accident and safety related data to other organisations viz. CSO, IBM, Labour Bureau, State Governments, Ministry of Coal etc.

10. Assistance towards development of Safety Legislation & Standards

11. Safety Information Dissemination.

12. Conducting examinations for grant of competency certificates to ensure that only competent persons are appointed as mine Managers, Surveyors, Overman, Foreman, etc. (under the Coal Mines Regulation, 2017 and the Metalliferous Mines Regulation, 1961).

13. Safety promotional initiatives including:

- (a) Organisation of -

- Conference on Safety in Mines
- National Safety Awards to the mines practicing best safety standard; awarded by Hon'ble President of India
- Safety Weeks & Campaigns

(b) Promoting -

- safety education and awareness programmes
- workers' participation in safety management through
- workmen's inspector
- safety committee
- tripartite reviews

**ORGANISATION SET-UP**

**13.20** This is a subordinate office under the Ministry of Labour and Employment with its headquarters at Dhanbad (Jharkhand). It is headed by the Director General of Mines Safety. At headquarters, Director General is assisted by specialist officers of Mining, Electrical and Mechanical Engineering, Statistics, Occupational Health, Law, Survey, Administration and Accounts disciplines. The headquarters also has a technical library and Science & Technology laboratory as a back-up support to the organization. Field organization has a two-tier network. The entire country is divided into eight zones under the charge of Deputy Director-General. There are three to four regional offices under each Zonal office. Each region is under the charge of Director of Mines safety. There are in all 29 such Regional Offices. Three Sub-Regional offices have also been set up in important areas of concentrated mining activities away from regional offices. Each of these is under the charge of Deputy Director. Besides having inspecting officers of mining cadre in each zone, there are officers of electrical and mechanical engineering and occupational Health disciplines.

The union ministry of Labour & Employment, Govt. of India after taking into consideration the recommendations of various committees, sub-committees including the Consultative Committee of Ministry of Labour & Employment and various courts of enquiries and Systematic Investigation Unit (SIU) finalised the sanctioned strength of 279 Officers (269 Inspecting Officers) & 684 supporting staffs including 231 outsourcing posts in this Directorate.

CATEGORY OF OFFICIALS	NO. OF SANCTIONED POST	NO. OF OFFICIALS IN POSITION
GROUP-A	279	144
GROUP-B (Gazetted)	38	23
GROUP-B (Non -Gazetted)	186	154**
GROUP-C	229	142
GROUP C Sanctioned for outsourcing	231#	93*
TOTAL	732	556

\* Incumbents present on such posts will stand abolished as and when existing incumbents vacate the posts on account of promotion/ reversion/ superannuation.

\*\*11 Gr. B Non-Gazetted posts have not been abolished till date as the incumbents are there on such post.

#To be filled up by outsourcing.

The following table shows the year-wise total strength of DGMS:

YEAR	Sanctioned strength	In position
2009	950	683
2010	963*	669
2011	963*	662

2012	963*	657
2013	963*	647
2014	963*	670
2015	963*	672
2016	963*	647
2017	963*	598
2018	963*	567
2019#	963*	556

# as on 31.10.2019,

\*231 to be filled by outsourcing

The UPSC & SSC have been requested to provide remaining posts which are likely to be filled up shortly.

#### a) TREND OF ACCIDENT

13.32 Trend in fatal and serious accidents in Coal mines are shown in Fig. 1. It can be seen that the serious injury is constantly falling over the years. The death rate is fluctuating in between 0.1 and 0.3. To minimize the rate further the Directorate General of Mines Safety has taken various measures, the analysis of that is given in Fig.9 and Fig. 10.

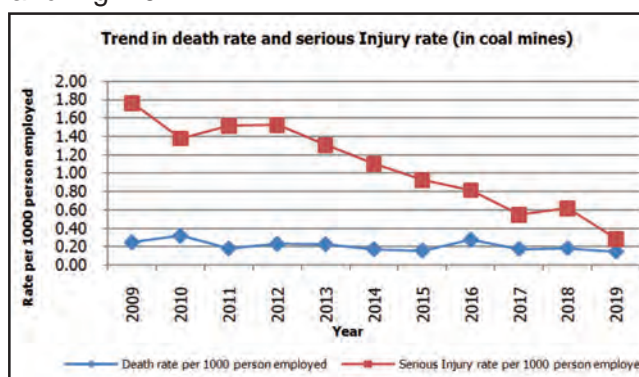
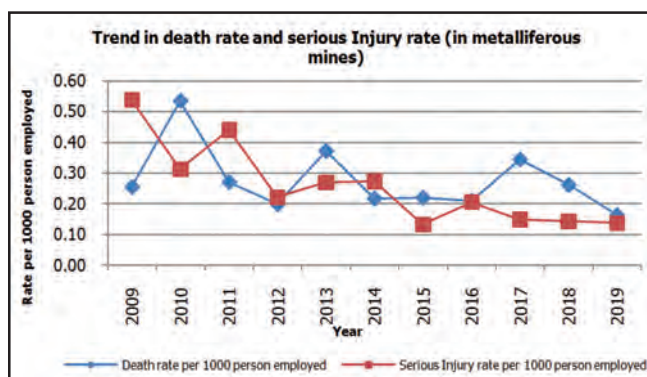


Fig.1: Trend in death rate and Serious Injury rate in coal mines

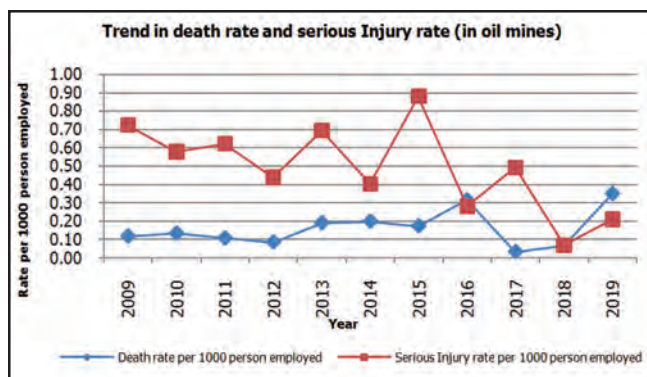
13.21 Trend in fatal and serious accidents in metalliferous mines is shown in Fig. 2. Both the

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**Fig.2: Trend in death rate and Serious Injury rate in metalliferous mines**

**13.22** Trend in fatal and serious accidents in oil mines is shown in Fig. 3. Both the rates have fluctuating trends but over the period it can be said that the serious injury rate is falling.



**Fig.3: Trend in death rate and Serious Injury rate in oil mines**

### Section 1.01 SAFETY MEASURES

**13.23** To ensure enforcement of necessary safety measures in mines, inspections and enquiries are carried out by the inspecting officers of DGMS. Apart from inspecting coal, metalliferous and oil mines, DGMS also undertakes investigation into all fatal accidents, certain serious accidents and dangerous occurrences and makes recommendations for remedial measures to prevent recurrence of similar mishaps. The Trend of accidents from 2001 to 2019 is shown in Table 13.5A. The trend in fatal accidents and fatality rate per 1000 persons employed on 10 yearly average basis from the year 1951 to 2010 and 2011-2019 is shown in Table 13.5B.

**13.24** Power under section 22 and 22A of the Mines Act, 1952, Regulation 116 of Coal Mines Regulations, 2017 and Regulation 108 of Metalliferous Mines Regulations, 1961 has been vested with DGMS to issue improvement notices and prohibitory orders to resist or prohibit employment of persons in mines or part of mines. The number of inspections and enquiries carried out from the year 2006 onwards are shown in Table 13.6.

### CIRCULARS

**13.25** The DGMS issues circulars to the mining industry on occupational safety and health matters, which may have wide implications. Technical Circulars, Approval Circulars, General Circulars, General Instruction, Technical Instructions, Legislative Circular and Legislative instructions are issued as per requirement.

### COMPETENCY TEST

**13.26** To ensure that only competent persons are appointed as mine Managers, Surveyors, Overman, Foreman, etc. the DGMS on behalf of the Board of Mining Examinations constituted under the Coal Mines Regulation, 2017 and the Metalliferous Mines Regulation, 1961, conducts examinations and issues certificates of competency. Details of applications received and competency certificates issued during the period from 01.04.2019 to 30.10.2019 are given in **Table 13.7**.

### APPROVAL OF MINES SAFETY EQUIPMENTS

**13.27** Approval is granted by Chief Inspector of Mines (Also designated as Director General of Mines Safety) to various equipments for use in mines to fulfill the statutory obligation enshrined under different provisions of Coal Mines Regulation, 2017, Metalliferous Mines Regulations, 1961, Oil Mines Regulations, 2017, Central Electricity Authority Regulations, 2010 and Mines Rescue Rules, 1985. The procedure of approval includes scrutiny of the applications

mainly to find out the quality control system adopted by the manufacturers and their capacity to manufacture equipments/material etc., which will be capable of working safely under the hostile environment of the mines and remain operative during prolong use under adverse condition. The equipments also need to conform to the relevant Indian Standards and in case there is no Indian Standard, the standards of the country of origin (ISO/EN/DIN, etc.). The application should also include test certificates from approved laboratory as per the relevant standard. After the documents are scrutinized and found in order, field trial approval is granted to check the pit worthiness of the equipments in various mines. After the equipments are successfully tried in the field, the performance report from the concerned mine management is obtained. If the above reports are

found satisfactory regular approval is granted for a specific period.

**13.28** The equipments/machinery/appliances and materials requiring approval can be categorized into:-

- Personal protective equipment.
- Environmental monitoring instruments and devices.
- Machinery and other equipments for carrying out mining operations and
- Safety materials for use in underground mines.

**13.29** The table below shows particulars of items approved

<b>Resuscitator, Self Rescuer, Breathing Apparatus approved during 01.04.2019 to 30.09.2019</b>			
<b>Items</b>	<b>Number of regular approval/ approval extension granted</b>	<b>Number of Field Trial approvals/Field Trial Approval Extension granted</b>	<b>Total number of Approvals granted</b>
Breathing Apparatus	00	00	00
Resuscitator/Reviving Apparatus	00	00	00
Self Rescuers (COSR)	01	00	01
<b>Total</b>	<b>01</b>	<b>00</b>	<b>01</b>

<b>Equipment, appliances, materials and machinery approved during 01.04.2019 to 30.09.2019</b>		
<b>Number of regular approval/approval extension granted</b>	<b>Number of field trial approvals/ field trial approval extension granted</b>	<b>Total number of approvals granted</b>
00	00	00

<b>Explosives, Exploders &amp; Detonators, etc. approved during 01.04.2019 to 30.09.2019</b>		
<b>Number of regular approval/approval extension granted</b>	<b>Number of field trial approvals/ field trial approval extension granted</b>	<b>Total number of approvals granted</b>
00	00	01



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**13.30** The details of approval for use of Mechanical Equipments etc. in mines were granted during 01.04.2019 to 30.09.2019 are given below:

Sl. No.	Type of approval	No. of approval granted
1.	Field trial approval/ extension	7
2.	Regular approval/ renewal	6
Total no. of approval granted		13

**13.31** The details of approvals for use of Electrical Equipments etc. in mines were granted during 01.04.2019 to 31.10.2019 which is given below:

Sl. No.	Type of approval	No. of approval granted
1.	Field trial approval	12
2.	Field trial extension	05
3.	Regular approval	On-line: 06 Off-line: 03
4.	Renewal	17
Total no. of approval granted		43

**a) STATISTICS DIVISION, DGMS**

**13.32** DGMS has a computerized information management (Statistics) system which is maintained by Statistics Division. The Statistics Division is maintaining online software for National Safety Awards (Mines) since 2017. The Division after receipt of various mines safety related data (in the form of returns & reports) scrutinizes, processes and compiles the same.

**Vision:**

**13.33** To complement and supplement in the direction of ensuring nationally acceptable and internationally competitive standards of health, safety and welfare for employees of the mines of India.

**Functions of the Statistics Division**

Sl. No	Main Activities
1	To Compile, process and maintain the data related to employment, machinery, explosives, accidents statistics pertaining to Mines (Coal & Non-Coal)
2	Work relating to Parliamentary Standing Committee- Supply of data as per requirement.
3	Work relating to Safety Committee of Coal India Ltd. - Supply of data as per requirement.
4	Work related to Parliament Questions: 1. Processing of answer of the Parliament Questions (All sessions) 2. Data processing related to Parliament Questions
5	Accident report: 1. Data entry pertaining to accident related forms and reports in database 2. Processing of accident data 3. Maintenance of accident data in database
6	Processing of Annual Returns of Coal and Non-coal mines: 1. Scrutinizing of submitted returns 2. Processing of data
7	1. Publication: To bring out the following publications periodically : a) Statistics of Mines in India, Volume – I (Coal) - yearly b) Statistics of Mines in India, Volume – II (Non-Coal) - yearly



	<p>c) Monthly Review of Accident - Monthly</p> <p>2. Besides the division assists in the publication of the following:</p> <p>a) DGMS Standard Note - Yearly</p> <p>b) Ministry's Annual Report - Yearly</p> <p>c) Special Bulletin on Accident Scenario in Coal &amp; Non-Coal Mines - on requirement</p> <p>d) Special Bulletin on Mine disasters in India - ( on requirement)</p>
8	<p>National Safety Awards (Mines):</p> <p>1. Processing and scrutiny related to National Safety Awards (Mines) applications.</p> <p>2. Maintenance of National Safety Awards (Mines) database</p> <p>3. Organizing meetings of NSA committee, workshops etc.</p>
9	Dissemination of data to other organisations viz. CSO, IBM, Labour Bureau and State Governments, Ministry of Coal etc
10	Updating / Maintenance of data related to outcome budget
11	<p>Updating / Maintenance of data related to RFD:</p> <p>1. Maintenance of inspection and enquiry related database</p> <p>2. Maintenance of permission cases related database</p>
12	Reconciliation of data related to accident from the Mines management and the Sub-Regional/Regional/Zonal Offices of this Directorate.

13	To coordinate various wings of DGMS as and when required.
14	<p>Development/customization of Software (Co-ordination and briefing) :</p> <p>1. Mine Statistics</p> <p>2. National Safety Awards (Mines)</p>
15	The Division is also assisting the researchers of various organizations like IIT (ISM), Dhanbad, IITs and BIT etc. as and when required.
16	For registration of mines, a database is maintained where a unique identification number (mine code) is generated and disseminated to the concerned zone/region.
17	<p>Preparation of standard note</p> <p>1. Accident analysis.</p> <p>2. Compilation and derivation of ratios.</p>
18	Compilation of mines details, Coal and Non-coal from Shramsuvidha Portal.
19	<p>Keeping in view the vision of Prime Minister, effort has been made to develop an online platform to collect data and making necessary data available to user online in the following areas:</p> <p>1. Annual Return</p> <p>2. Time series analysis of accident</p>
20	Detailed analysis of accidents on various criteria e.g. Cause, Place, State, Age etc.

**13.34** The Statistics Division maintains various computerized data base of information and statistics regarding the various activities of mines safety. The database maintenance and the processing of data are done on the software platform developed by the Division.

*Ministry of Labour & Employment***RECENT INITIATIVES AND ACHIEVEMENTS**

- The revised format of annual returns were finalized as per the new requirements of changes in the regulations (CMR-2017, OMR-2017 etc.).
- Around 7600 new mines have been included in the database of registered mines at Head office, since 2017. It is an increase of around 100% of the old database before 2017.
- In addition to making the process of deciding the list of award winning mines for National Safety Award online, the processing of NSA(Mines) award have been speeded up.
- Time bound delivery of data for Standard Note-2019 and other reports of DGMS/Ministry.
- National Safety Award information for four years were processed and submitted during 2017-18. Processing of National Safety Award 2017 is delayed due to software problem.
- Revision of criteria regarding selection of mines for NSA: To make the comparability of safety efficiency of mines for selection, it was found during analysis that the criteria should be revised. Accordingly, two workshops were arranged for the same. Based on the analysis and the statistics reported by stakeholders, some relevant criteria were revised which will be finally decided by the committee.

**NATIONAL SAFETY AWARDS (MINES)**

**13.35** Ministry of Labour & Employment, Government of India instituted National Safety

Awards (Mines) in 1983 (for the contest year 1982) with a view to promote a competitive spirit amongst mine operators for the betterment of safety standards in mines and to give due recognition to outstanding safety performance at national level. This award is generally given by the Hon'ble President of India every year and has generated considerable enthusiasm amongst the Mining community. National Safety Awards (Mines) for the contest years 2013 & 2014 were given on 17th August, 2017 at New Delhi by the Hon'ble President of India.

**13.36** The applications for National Safety Awards (Mines) for the contest years 2015 & 2016 was processed and short-listing of award winning mines was done by June, 2018.



**13.37** Among the database one is the growth of mining activities in India. The growth of the mining activities from the year 2006 to 2015 is reflected in **Table 13.1**. Trends of accident in mines in reflected in **Table 13.2**. **Table 13.3** reflects trend of accidents in Coal Mines cause wise. **Table 13.4** reflects trends of accident in Non-Coal cause wise. Status of accidents and the resultant casualties in mines are important aspects related to mines safety. These are reflected in the **Table 13.5 A and 13.5 B**.

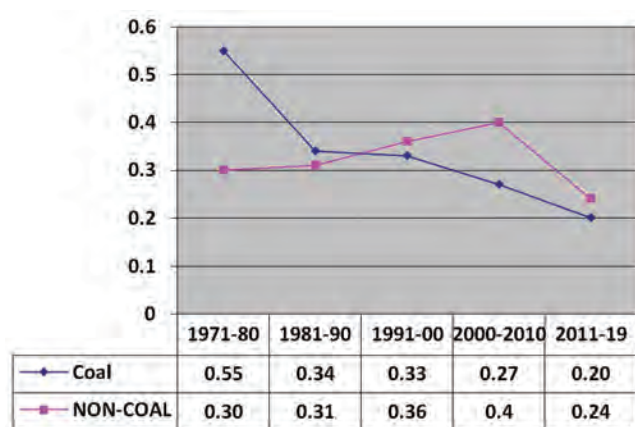
**13.38** DGMS conducts technical inspections and enquiries of the mines pertaining to safety as per established standards. The database related to all these is also maintained and the figures for

various years are reflected in **Table 13.6**.

**13.39 Table 13.7** reflects the number of applications received from various managers and other employees of mines and accordingly certificates of competency are issued.

### Accident Experience

**13.40** The accident trends in terms of fatal accidents and fatality rates per thousand persons employed at 10 yearly average since 1971-80 to 2011-19 (upto October, 2019) are indicated below:



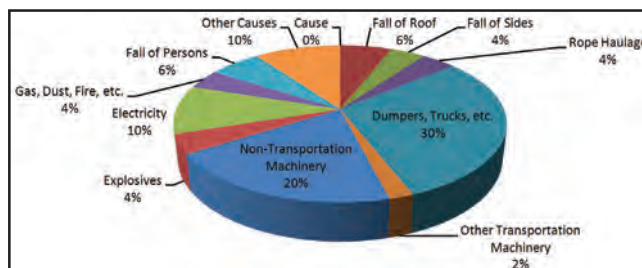
**13.41** The long term trend of fatality rate and decadal trend can be expressed through the above chart. The chart above outlines the trend in fatality rates per 1000 persons employed in coal and non-coal mines on a ten yearly average basis. The trend in coal mines show a steady decline over the years, however, the same cannot be said about the non-coal mines.

**13.42** A closer analysis of accidents reveals that during 2018, fatal accidents in coal mines caused by dumpers, trucks, etc. contributed about 30% of the accidents, followed by about 20% caused by Non-transportation machinery. In non-coal during 2018, highest percentage of fatal accidents was due to fall of sides and it was about 19%. It was followed by cause: Dumper, truck etc. which was 17%.

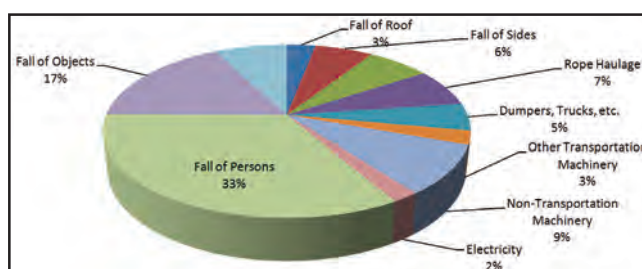
**13.43** So far as serious accidents in coal mines during 2018 are concerned the major contributors

were : Fall of persons and Fall of objects which were 33% and 17% respectively. In case of non-coal the major contributors were: Fall of persons and Fall of objects which were 28% and 22% respectively

**13.44** Figures 4 & 5 below show cause-wise fatal and serious accidents respectively in coal mines during the year 2018.

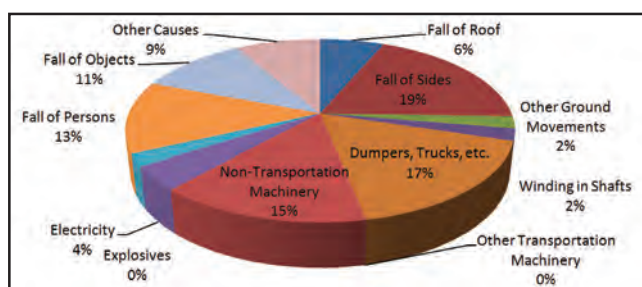


**Fig.4: Cause-wise distribution of fatal accidents in coal mines during 2018**



**Fig.5: Cause-wise distribution of serious accidents in coal mines during 2018**

**13.45** Figures 6 and 7 below show cause-wise fatal and serious accidents respectively in non-coal mines in 2018.



**Fig. 6 Cause-wise distribution of fatal accidents in non-coal mines during 2018**

## Ministry of Labour &amp; Employment

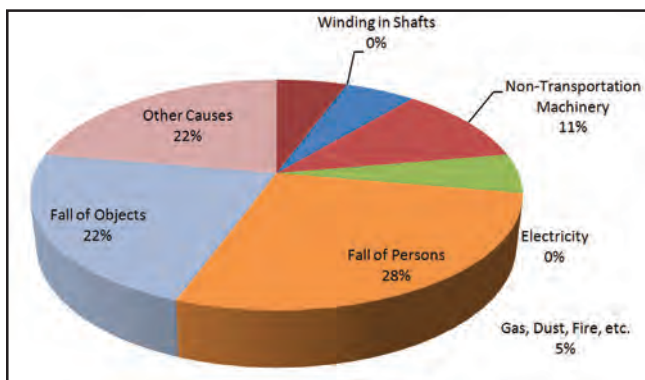


Fig. 7 Cause-wise distribution of serious accidents in non-coal mines during 2018

**13.46** Table 13.1 shows the growth of mining activities in India from 2006 to 2015. Mining activities have been classified into Coal, Metal and Oil. The values of minerals mined from the Coal, Metal and Oil have been shown. The table also shows the aggregate horse power and explosive used in the mining activities in India.

Table 13.1

## Growth of Mining Activities in India

Year	Number of reporting mines			Value of minerals (in Million Rupees)			Aggregate H.P. (in 000s)			Explosives used (in 000 tonnes)	
	Coal	Metal	Oil	Coal	Metal	Oil	Coal	Metal	Oil	Coal	Metal
2006	568	1720	44	374671	162160	370657	5953	2666	468	345.3	95.1
2007	567	1770	49	419279	235351	256944	5843	2646	457	353.0	97.8
2008	569	1904	67	481635	289354	294290	5935	2857	711	395.3	121
2009	583	2002	74	581240	325453	351652	6248	3309	842	461.0	101.7
2010	592	1961	82	618357	434283	404801	6362	3310	851	493.2	97.2
2011	601	1956	85	666415	419109	399397	6809	3801	937	503.5	98.2
2012	582	2148	86	744934	448843	492060	6936	4101	854	474.6	102.2
2013	605	2230	88	1037522	423740	565656	7557	4104	1014	523.6	100.2
2014	588	2254	92	1212547	462475	544443	5799	3932	993	590.8	113.2
2015	590	2398	112	1068745	629814	473290	5770	4502	1443	591.1	105.4

Note: 1) Based on the information as reported by mines through ZO's/ RO's

2) Data for the year of 2016 to 2019 has not been compiled as the software for annual return is not complete

**13.47** Table 13.2 shows the trend of accidents in mines from 2001 to 2019. Accidents have been classified into coal and non-coal mines. Accidents are further classified into fatal and serious accidents.



Table 13.2						
Year	Trend of Accidents in Mines					
	Number of Accidents in Coal Mines			Number of Accidents in Non-Coal Mines		
	Fatal	Serious	Total	Fatal	Serious	Total
2001	105	667	772	71	199	270
2002	81	629	710	52	205	257
2003	83	563	646	52	168	220
2004	87	962	1049	57	188	245
2005	96	1106	1202	48	108	156
2006	78	861	939	58	78	136
2007	76	923	999	56	79	135
2008	80	686	766	54	83	137
2009	83	636	719	36	94	130
2010	97	480	577	54	61	115
2011	65	533	598	44	82	126
2012	79	536	615	36	45	81
2013	77	456	533	58	52	110
2014	59	379	438	39	44	83
2015	54	302	356	45	35	80
2016	67	268	335	39	37	76
2017	56	183	239	46	21	67
2018	50	197	247	47	18	65
2019*	45	87	132	36	26	62

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

**13.48** Table 13.3 shows the trend of accidents in coal mines from 2014 to 2019, cause wise. There are 14 broad causes of accidents in coal mines. Accidents are further classified into fatal and serious accidents.



Table 13.3

Trend of Accidents in Coal Mines – Cause-wise												
Causes	Number of Fatal Accidents						Number of Serious Accidents					
	2014	2015	2016	2017	2018	2019*	2014	2015	2016	2017	2018	2019*
Fall of Roof	10	4	8	3	3	2	18	9	11	5	6	1
Fall of Sides	2	5	5	5	2	2	17	11	8	13	12	3
Other Ground Movements	1	0	1	0	0	0	0	1	0	0	0	0
Winding in Shafts	0	0	1	0	0	1	5	3	0	1	13	2
Rope Haulage	1	3	5	5	2	1	33	28	26	13	14	7
Dumpers, Trucks, etc.	17	16	20	19	15	7	15	14	12	6	10	0
Other Transportation Machinery	1	0	3	2	1	1	2	4	7	2	5	0
Non-Transportation Machinery	15	11	9	10	10	9	25	18	17	10	18	20
Explosives	2	0	0	2	2	1	3	5	3	3	0	0
Electricity	2	4	2	2	5	3	3	3	6	6	4	3
Gas, Dust, Fire, etc.	1	0	4	1	2	0	2	1	0	0	0	0
Fall of Persons	2	4	4	2	3	5	129	105	87	59	66	25
Fall of Objects	2	2	2	2	0	1	59	46	43	40	34	16
Other Causes	3	5	3	3	5	12	68	54	48	25	15	10
Total	59	54	67	56	50	45	379	302	268	183	197	87

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

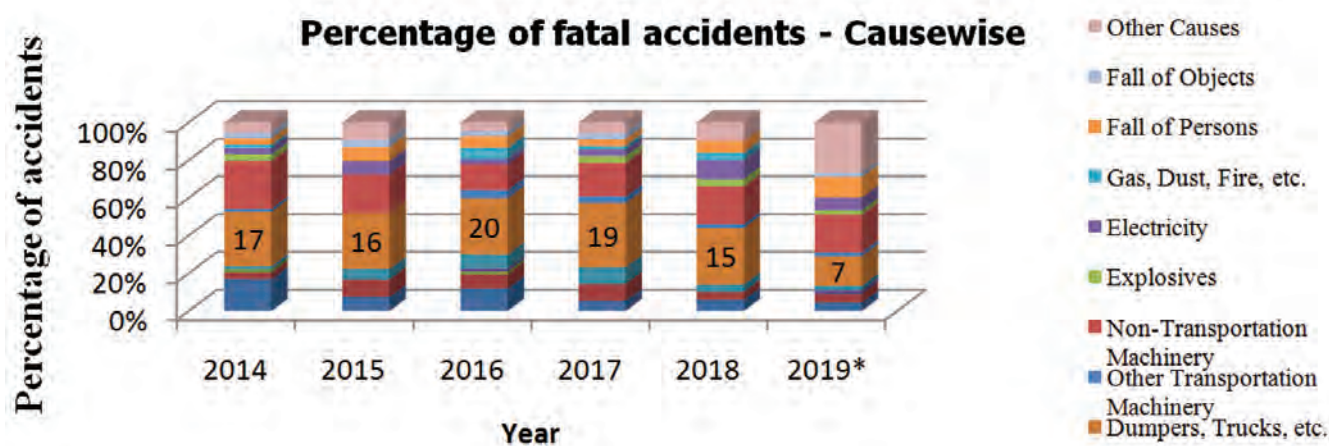


Fig.8 Percentage of fatal accident- cause-wise

13.49 Figure 8 shows the percentage of fatal accidents cause-wise in mines during 2014-2019. It can be observed that the major reason for fatal accident is Dumpers, Truck etc. followed by Non-Transportation machinery except in 2019.

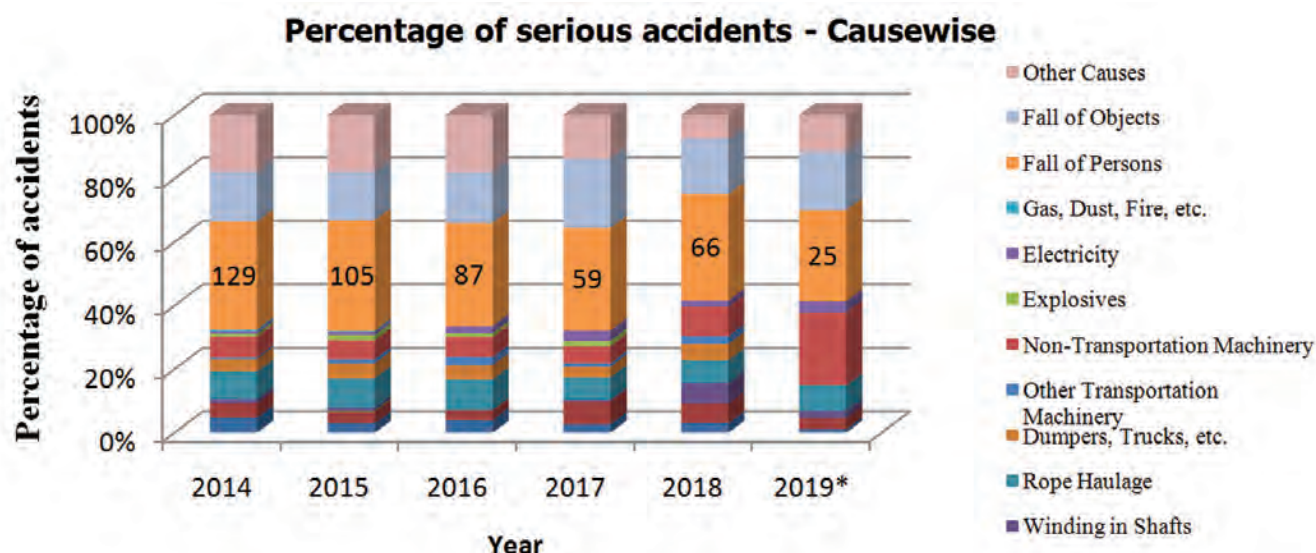


Fig.9 Percentage of Serious accident- causewise

13.50 Figure 9 shows the percentage of serious accidents cause wise in mines during 2014-2019. It can be observed that the major reason for serious accident is Fall of person followed by Fall of objects and other causes (except non-transportation machinery in 2018 & 2019).

13.51 From figure 8 and figure 9, it can be found that the reasons for fatal and serious accidents are different. The major cause for fatal accident is "Dumper, Trucks etc." while for serious accident it is "fall of person".

Table 13.4

Trend of Accidents in Coal Mines – Cause-wise												
Causes	Number of Fatal Accidents						Number of Serious Accidents					
	2014	2015	2016	2017	2018	2019*	2014	2015	2016	2017	2018	2019*
Fall of Roof	3	2	0	1	3	2	0	3	0	0	0	1
Fall of Sides	5	5	6	9	9	2	0	2	3	0	1	0
Other Ground Movements	0	0	0	1	1	1	0	0	0	0	0	2
Winding in Shafts	2	2	1	1	1	1	2	1	0	2	0	0
Rope Haulage	0	0	0	0	0	0	0	0	1	0	0	0
Dumpers, Trucks, etc.	7	13	8	5	8	2	4	0	1	0	0	1
Other Transportation Machinery	0	2	0	1	0	1	2	1	1	0	1	1
Non-Transportation Machinery	5	2	1	7	7	3	11	5	3	3	2	1
Explosives	2	0	3	6	0	4	0	0	0	0	1	0
Electricity	3	2	0	2	2	3	1	1	2	3	0	0
Gas, Dust, Fire, etc.	0	1	1	0	1	2	2	1	1	1	0	0
Fall of Persons	8	9	9	8	6	7	10	5	14	3	5	7
Fall of Objects	2	4	4	4	5	3	9	9	6	4	4	6
Other Causes	2	3	6	1	4	5	3	7	5	5	4	7
Total	39	45	39	46	47	36	44	35	37	21	18	26

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

**13.52 Table 13.4** shows the trend of accidents in non-coal mines from 2014 to 2019, cause wise. There are 14 broad causes of accidents in non-coal mines. Accidents are further classified into fatal and serious accidents.

Table 13.5A

Accidents and resultant casualties in mines										
	Coal					Non-Coal				
Year	Fatal Accident			Serious Accident		Fatal Accident			Serious Accident	
	Acc.	Killed	Inj.	Acc.	Inj.	Acc.	Killed	Inj.	Acc.	Inj.
2001	105	141	14	667	706	71	81	8	199	200
2002	81	97	15	629	650	52	64	3	205	206
2003	83	113	12	563	578	52	62	16	168	169
2004	87	96	14	962	977	57	64	9	188	194
2005	96	117	19	1106	1119	48	52	4	108	109
2006	78	137	15	861	876	58	71	9	78	79
2007	76	78	77	923	940	56	64	13	79	92
2008	80	93	16	686	693	54	73	35	83	85
2009	83	93	14	636	646	36	44	3	94	101
2010	97	118	23	480	488	54	91	5	61	63
2011	65	67	10	533	546	44	50	9	82	84
2012	79	83	6	536	542	36	38	5	45	45
2013	77	82	11	456	457	58	74	15	52	53
2014	59	62	3	379	391	39	45	10	44	50
2015	54	55	9	302	307	45	48	13	35	38
2016	67	94	7	268	271	39	50	10	37	38
2017	56	61	0	183	188	46	68	11	21	32
2018	50	63	11	197	200	47	53	12	18	18
2019*	45	51	6	87	91	36	42	6	26	27

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

**13.53** Table 13.5A shows the trend of accidents and resultant casualties' in mines from 2001 to 2019. The mines are classified into coal and non-coal mines. Accidents have been classified into fatal and serious accidents.

Table No. 13.5B

Trend in Fatal Accidents and Fatality Rates per 1000 Persons Employed (Ten Yearly Average)								
Coal Mines					Non coal Mines			
Year	Avg. Acc	Acc. Rate	Avg. Killed	Death Rate	Avg. Acc.	Avg. Acc	Killed Rate	Death Rate
1951-60	222	0.61	295	0.82	64	0.27	81	0.34
1961-70	202	0.48	260	0.62	72	0.28	85	0.33
1971-80	187	0.40	264	0.55	66	0.27	74	0.30
1981-90	162	0.30	185	0.34	65	0.27	73	0.31
1991-2000	140	0.27	170	0.33	65	0.31	77	0.36
2001-2010	87	0.22	108	0.27	54	0.32	67	0.40
2011-2019*	61	0.17	69	0.20	43	0.20	52	0.24

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

**13.54** Table 13.5B shows the trend in fatal accidents and fatality rates per 1000 persons employed (ten yearly average). The table shows the average accident, accident rate, average killed and death rate.

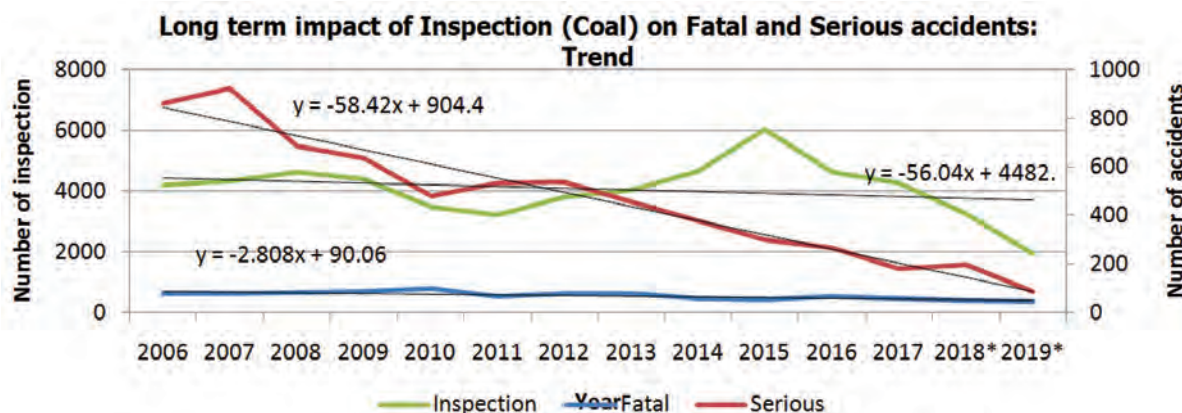
Table 13.6

Number of Inspections and Enquiries									
Year	Number of Inspections				Number of Enquiries				Grand
	Coal	Metal	Oil	Total	Coal	Metal	Oil	Total	Total
2006	4192	2630	219	7041	951	338	27	1316	8357
2007	4330	2309	183	6822	796	380	24	1200	8022
2008	4614	2838	216	7668	840	417	24	1281	8949
2009	4404	3325	250	7979	899	372	52	1323	9302
2010	3486	3297	243	7026	911	463	52	1425	8451
2011	3216	3688	321	7225	956	452	68	1476	8701
2012	3811	3635	292	7738	933	537	40	1510	9248
2013	4038	3898	329	8265	890	449	60	1399	9664
2014	4664	4694	588	9946	1035	540	111	1686	11632
2015	6047	5889	786	12722	1280	653	36	1969	14691
2016	4634	7766	638	13038	1165	586	96	1847	14885
2017	4259	4813	639	9711	1169	1068	32	2269	11980
2018	3253	4258	606	8117	937	618	54	1609	9726
2019*	1927	2298	348	4573	671	416	78	1165	5738

\* Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019.

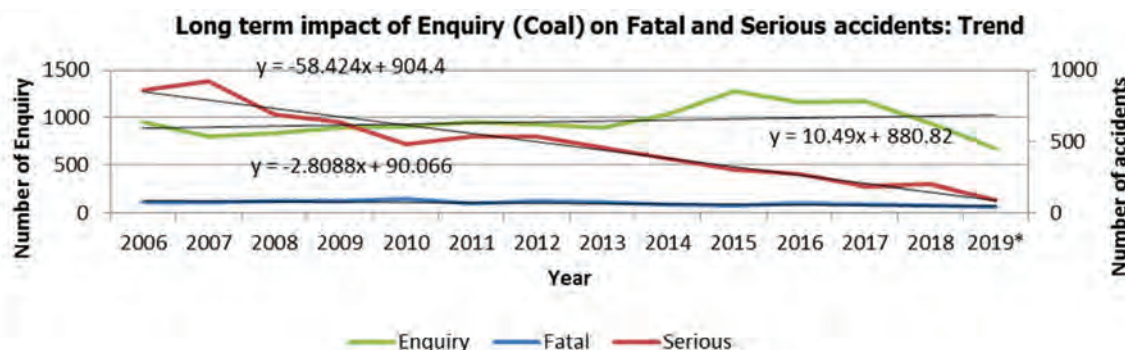


**13.55** Table 13.6 shows the number of inspections and enquiry in mines from 2006 to 2019. The mines have been further segregated into coal, metal and oil mines. The inspections and enquiry is showing slightly increasing trend in long period.



**Fig.10 Long term impact of Inspection (Coal) on Fatal and Serious accidents: Trend**

**13.56** In Fig.10, the trend is plotted taking number of inspection on primary axis. The trends of fatal and serious accidents are plotted on secondary axis taking number of accidents as dependent variable. It can be observed that over a long period, the trend of both fatal and serious accidents have gone down. For serious accidents the gradient of decline is steeper than that of fatal accidents. The spread of number of enquiry over a long period is showing a sharp increase during 2015. On the basis of all the facts, we can infer that inspection have very positive impact on the improvement of overall safety in the coal mines (i.e. decline in the number of fatal and serious accidents).



**Fig.11 Long term impact of Enquiry (Coal) on Fatal and Serious accidents: Trend**

**13.57** In the above graph for enquiry, the trend is plotted taking number of enquiry on primary axis. The trends of fatal and serious accidents are plotted on secondary axis taking number of accidents as dependent variable. It can be observed that over a long period, the trend of both fatal and serious accidents have gone down i.e. the number of accidents has declined. For serious accidents the gradient of decline is more steeper than that of fatal accident. The spread of number of enquiry over a long period is showing a slight increase. On the basis of all the facts, we can infer that enquiry have very positive impact on the improvement of overall safety in the coal mines (i.e. decline in the number of fatal and serious accidents).

Table 13.7

Applications Received & Certificates of Competency issued during April 2018 to October 2019				
Category of certificates of competency	Coal Mines Regulation, 2017		Metalliferous Mines Regulations, 1961	
	Applications received	Certificates issued	Applications received	Certificates issued
Manager	567	372	341	180
Surveyor	302	165	119	41
Overman / Foreman	1228	838	997	133
Sirdar / Mate	134	128	27	02
Shotfirer/Blaster	00	00	02	03
Winding Engine Driver	02	00	06	00
Gas-testing	879	121	00	00

\* Applications received prior to April 2019 have been dealt during April 2019 to September 2019. In view of that, certificates issued may not be in proportionate with that of application received.

### NATIONAL CONFERENCE ON SAFETY IN MINES

**13.58** The Conference on Safety in Mines is a tripartite forum at the national level in which the employers' representatives, the trade unions' representatives, the Government represented by Ministry of Labour & Employment, DGMS, various administrative ministries/ departments and State Governments and associated institutions, professional bodies, service associations, etc. take part. They review the status of safety in mines and the adequacy of existing measures in a spirit of mutual cooperation. The conference also suggests measures for further improvement in safety, welfare and health of mine workers. The first Conference was held in the year 1958. The eleventh conference was held on 4<sup>th</sup> & 5<sup>th</sup> July, 2013 at New Delhi during which three major issues (i) Small Scale Mining, (ii) Safety, health & welfare

of Contractual workers & (iii) Surface & underground transportation machinery were deliberated in detail. A number of recommendations of these conferences have been given statutory backing and most of the others have been absorbed in management practices and policies. The conclusions and recommendations drawn during the conference have already been circulated to the mining industries for compliance.



### ON-GOING SCHEMES

#### Strengthening of Systems & Infrastructure of DGMS (SSID):

**13.59** This is a continuing scheme. The scheme has been formulated by merging two on-going

schemes of DGMS, namely (i) “Strengthening of Core Functions of DGMS (SOCFOD)”, and (ii) Mine Accident Analysis and Modernization of Information Database (MAMID)”.

The objectives of the scheme are:

- To implement e-Governance in DGMS including digitization of plans, abandoned mine plans and other important documents;
- To implement Risk-based Inspection System for coal and non-coal mines;
- To render scientific and technical supports to the field officers of DGMS;
- To develop and maintain infrastructures of all kinds for DGMS and its backup supports;
- To develop, improve and update need based rescue and emergency response guidelines to the mining industry;
- To mitigate risk of disasters and accidents in mines through detailed analysis of accidents and dangerous occurrences and accordingly activate promotional channels;
- To disseminate mine information through various reports, technical instructions/ guidelines, circulars on electronic as well as other conventional media;
- To conduct need based Safety and Occupational Health Survey in mines;
- To introduce, implement and support the e-based examinations systems including digital record management system;
- To update training facilities in DGMS for imparting structured training to DGMS officers and key personnel of mining industry;
- To develop, improve and update protocols, guidelines and standards in key areas for guidance of operations in mines;

- To implement “SwachhtaAbhiyan” within DGMS.

Following activities were undertaken by S&T Division during 01.04.2019 to 30.09.2019	
Activity	Achievement
A. Digitization of Plans, abandoned mine plans, etc.	250 plans
B. Organizing Programmes for safety awareness in small mines with the help of state governments.	8 programmes
C. Scientific studies in mines on various subjects in key problem areas of mining for providing continual support to the mining industry by setting appropriate standards, protocols & guidelines.	7 studies
D. Development of DGMS Officials on OHS & Technical Subjects Through Training/ Seminars, etc. by exposing them to National & International institutes, Seminars, Conferences etc.	5 officials
E. Issue of Circulars/guidelines/ standards/protocols on Occupational Safety and Health in mines	2 circulars
F. Imparting training and facilitating for preparation of Safety Management Plan	NIL
G. Workshops and seminars on development of guidelines/ standards/ protocols, new technologies, Occupational Safety and	NIL

*Ministry of Labour & Employment*

	Health matters and on other subjects	
H.	Implementation of computer based Statutory Examinations for Senior Exams (Coal & Metal)	Continued
I.	Computerization and digitization of examination records, validation recording & tracking system	Continued
J.	Training of middle-level management officials, Workmen's Inspectors, Workers and others by MSHA	NIL

**13.60** During the period 01.04.2019 to 30.09.2019 approvals of equipment, appliances, materials and machinery granted for use in mines are given below:

Approvals of Equipment, Apparatus & PPEs during 01.04.2019 to 30.09.2019:

Sl. No.	Type of approval	No. of approvals granted
1.	No. of field trial/extension	nil
2.	Regular approval/extension	02
	Total	02

**E-Governance in DGMS**

**13.61** E-Governance is understood as the use of Information and Communication Technology (ICT) at all the level of the Government in order to provide services to the citizens, interaction with business enterprises and communication and exchange of information between different agencies of the Government in a speedy, convenient efficient and transparent manner.

**13.62** DGMS has started e-governance, utilizing IT in accordance with the recommendations of

the Central Cabinet. In order to achieve this goal, an e-Governance Road map has been made, which has suggested implementing it in a phased manner giving importance on the establishment of formal organizational structure and project management structure.

**Recent initiatives in DGMS:**

- “Accidents & Statistics System” software module is under process of finalization and “Accounts & Budget System” is being developed as a part of “Digital DGMS”. The software modules will bring in more transparency & accountability and speedy disposal of work.
- The modalities for “Risk-based Inspection System” for coal mines have been developed. The inspections are generated for online assignment through shramsuvidha portal prioritizing on the actual risk rating of the coal mines of all categories. The software for the purpose has been developed by NIC and implemented by incorporating it in ShramSuvidha Portal. Risk-based inspection system for metalliferous mines is under progress.



- The Coal Mines Regulations, 2017 and the Oil Mines Regulations, 2017 have been notified. The draft of the amendment proposal of the Metalliferous Mines Regulations and the Mines Vocational Training Rules has been discussed in the Section 12 committee



constituted under the Mines Act, 1952 and sent for publication in the official gazettee. The process for the amendment of the Mines Rescue Rules and Mines Rules has been initiated. The amendments are necessitated in view of the technological developments, changed mining methods, machinery and work environment etc.

- Vide Gazette Notification No. SO 506(E) published on 29.01.2019 as extraordinary part-II, section-3, sub-section (ii), the restriction on the employment of women as per the provisions of the Mines Act, 1952, in any mine between the hours of 7 pm and 6 am in the mine above ground including opencast workings and in any mine belowground between the hours of 6 am and 7pm in technical, supervisory and managerial work has been relaxed subject to the provision of adequate facilities and safeguards regarding their occupational

safety, security and health.

- Directorate General of Mines Safety (DGMS), Ministry of Labour & Employment, Government of India and the Department of Natural Resources Mines and Energy, Queensland Government, Australia, through the Safety in Mines, Testing and Research Station (Simtars) have signed Memorandum of Understanding (MoU) for Sharing and dissemination of information on occupational safety and health, technological advancements and best practices, setting up a world class Occupational Safety and Health Academy having satellite centres and develop it as a training hub for persons engaged with mineral industry in India and its neighbourhood with a view to ensure safety at work place and equip industry in formulation of risk based Safety Management Plan and Emergency Evacuation systems.

Table 13.8

THE DETAILS OF TRAININGS/WORKSHOPS/SEMINARS ATTENDED BY DGMS OFFICERS DURING 01.01.2019 to 31.10.2019				
S. No.	Name of the Seminar, Workshop, Symposium etc	Venue	Period	No. of Officers attended
1	Training Programs on Public Procurement for Government officers.	Faridabad	11 <sup>th</sup> -16 <sup>th</sup> Feb, 2019	03
2	International Vision Zero Conference on OSH in collaboration with DGUV Germany.	IIT, Bombay.	19 <sup>th</sup> -20 <sup>th</sup> Feb, 2019	05
3	World Environment Day, 2019: Conference on "Air Pollution in Mining Areas of Jharkhand"	Ranchi	12 <sup>th</sup> June, 2019	01
4	National Training Workshop on Disaster Management	Noida	24 <sup>th</sup> -28 <sup>th</sup> , June, 2019	01
5	Workshop on PFMS for officers working as Program Division in MOLE and MSDE.	New Delhi	5 <sup>th</sup> July, 2019.	01



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6	National workshop on post disaster need assessment tools(PDNA)	New Delhi	23 <sup>rd</sup> Sept., 2019	01
7	Regional Labour Conference	Bhubaneswar	22 <sup>nd</sup> Oct., 2019	01

**OCCUPATIONAL HEALTH CONDITIONS**

**13.63** Mine workings and its environment are considered to be the sources of certain health hazards leading to airborne dust diseases like asbestosis, coal worker's pneumoconiosis, silicosis etc. These diseases are preventable but once contracted; they are not curable. It is therefore, essential to prevent such diseases by controlling dust at the working places and conducting airborne dust surveys in mines at regular interval. The other precautions that are being taken include medical examinations and re-examination of mine workers to diagnose and detect the airborne dust diseases in its initial stages so that preventive, rehabilitative measures and medical cares are taken.

**NOTIFIED DISEASES [Section 25 & 26]**

**13.64** Under section 25 of the Mines Act, 1952, Pneumoconiosis, Asbestosis, Silicosis, Manganese Poisoning of nervous type and Cancer of lung or stomach or the pleura and peritoneum i.e. mesothelioma were already notified as disease connected with mining operations. In addition to the aforesaid diseases the three more additional diseases i.e. Noise Induced Hearing Loss, Contact Dermatitis caused by direct contact with chemical and Pathological manifestations due to radium or radioactive substances have been notified as diseases related to mining vide Gazette Notification No.S.O.399 E dated 21<sup>st</sup> February, 2011. Airborne dust concentration i.e. threshold permissible limit for asbestos fibre has been reduced from 2 fibre per millilitre to 1 fibre per millilitre. Cases of CWP, Silicosis & NIHL reported by Mine Management to DGMS are given below:

**Table 13.9**

Year	Coal Workers' Pneumoconiosis	Silicosis	Noise Induced Hearing Loss
2008	1	3	-
2009	0	0	-
2010	1	0	-
2011	5	1	0
2012	5	0	2
2013	0	4	0
2014	1	1	0
2015	0	0	8
2016	2	0	0
2017	2	0	0
2018	2	9	0
2019*	0	0	0

\* upto 31.03.2019

**13.65** Occupational Health Survey in the stone mines have been conducted by National Institute of Miners' Health (NIMH), Nagpur in collaboration with DGMS under the project 'Multi Centric Study of Dust Related Disease in Stone Mines and Development of Sustainable Preventive Programme' in the Financial 2015-2016, 2016-2017 & 2017- 2018 to detect cases of silicosis. During the project 2537 persons have been examined, 136 cases of silicosis have been detected and notified to DGMS by NIMH which are as given below:

Table 13.10

Year of Notification	No. of Silicosis cases
2017	105
2018	31

**13.66** Occupational health surveys have been carried out in various state in the year 2017, 2018 & 2019 by DGMS with the help of State Government Authorities & other mine management in the stone mines & other metal mines to detect cases of silicosis. During the survey, 10589 persons have been examined and 255 cases of silicosis have been detected which are as given below:

Table 13.11

Year of Detection	No. of Silicosis cases
2017	157
2018	54
2019*	44

\* upto 31.03.2019

### Fresh Initiatives

**13.67** Fresh initiatives have been undertaken by DGMS to make the mine workers more aware about the dangers of airborne dust diseases and how to prevent such diseases by suppressing the dust at its source using wet drilling and dust extraction and preventing devices, use of dust masks and other personal protective equipments. Directorate General of Mines Safety has organized 265 Awareness camps in 15 states in the Year 2017 and 2018 to bring awareness among the mine owners and mine workers regarding Silicosis.

**13.68** Medical Officers engaged in medical examinations of mine workers were imparted hands on training as how to diagnose silicosis and pneumoconiosis at its initial stages as per the ILO Classification of Chest Radiographs during special programmes held in Chennai, Nagpur, New Delhi, Meghalaya. Still more programmes are being arranged in other parts of the country.

## CHAPTER-14

### WORKERS EDUCATION

#### DATTOPANT THENGADI NATIONAL BOARD FOR WORKERS EDUCATION AND DEVELOPMENT

**14.1** The Dattopant Thengadi National Board for Workers Education and Development (erstwhile CBWE), Ministry of Labour, Government of India, was established in 1958 to implement Workers Education Scheme at National, Regional, Unit and Village Levels.

- The Board is tripartite in character and consists of representatives from Central Organisations of Workers/Employers, Central/State Governments and Educational Institutions.
- Awareness is sought to be created among the working class about their rights and obligations for their effective participation in socio-economic development of the country.
- Board organizes different types of training programmes for the workers in organised, unorganised, rural and informal sectors as indicated in **Table 14.1**.
- Board's programmes reflect the new orientation, direction and dimensions for meeting the wider educational needs of the worker, trade unions and managements, keeping in view the changed scenario.

#### STRUCTURE

**14.2** Dattopant Thengadi National Board for Workers Education and Development (erstwhile CBWE) is headed by a Chairman. Its headquarters is at Nagpur. The Chief Executive of the Board is the Director General, who is

assisted by an Additional Director, Financial Adviser Deputy Directors, Zonal / Regional Directors and Subordinate Staff etc. The Board operates through 50 Regional Directorates and 7 Sub-Regional Directorates. The Six Zonal Directorates situated at Delhi, Guwahati, Kolkata, Mumbai, Chennai and Bhopal monitor the activities of the Regional Directorates in their respective zones.

**14.3** Tripartite Regional Advisory Committees constituted for each Regional Directorate review the progress of the scheme and recommend measures for effective implementation of Workers Education Programmes. The Indian Institute of Workers Education (IIWE), Mumbai, an apex level training Institute of the Board, was established in 1970.

#### TRAINING PROGRAMMES OF THE BOARD

**14.4** Training programmes of the Board for workers in Organized Sector are conducted at three levels.

- At the first level training is imparted to the candidates selected as Education Officers. After successful completion of the training, these Education Officers conduct varied programmes from the Regional Directorates.
- At the second level, workers from different establishments, sponsored by trade unions and released by employers are trained. These trained workers are called Trainers.
- At the third level, the Trainers conduct classes for the rank and file of workers in their respective establishments.

## NATIONAL LEVEL PROGRAMMES

**14.5** Programmes for representatives from Central Trade Union Organizations/ Federations and Voluntary Organizations on different subjects are conducted by the IIWE in addition to giving pre-employment training to Education Officers and reorientation to Regional Director and Education Officers of the Board as well. In view of the specialized training needs to tackle some of the specific issues by Trade Unions, three cells namely (i) Industrial Health, Safety and Environment (ii) Education for Rural and Unorganised Sector Workers and (iii) Women and Child Labour have been established in the Institute.

**14.6** During the period from April, 2019 to October, 2019, The National Level Programmes could not be conducted as the premises of Mumbai have been declared unsafe as per structural audit carried out by IIT, Mumbai.

## PROGRAMMES AT REGIONAL LEVEL

**14.7** Details of training programmes conducted by the Regional Directorates during the period April, 2019 to October, 2019 including Unit Level Classes, programmes for rural workers and workers belonging to unorganized sector and weaker sections are indicated in the **Table 14.1**.

## ORGANISATION OF UNORGANISED LABOUR AND TRAINING OF RURAL VOLUNTEERS

**14.8** Initially the Board concentrated its activities in the organized sector. The Board shifted its emphasis to rural sector since 1977–1978 on the recommendations of Workers Education Review Committee. Initially started with 7 pilot projects, the rural workers education programmes have now become a regular and continuing programme. The objectives of the programme are:

- To promote critical awareness of problems, privileges and obligations as workers and citizens;
- To enhance self confidence and build up scientific attitude;
- To educate them to develop their organizations through which they can fulfil socio-economic functions and responsibilities in rural economy and strengthen democratic, secular and socialist fibre of rural society;
- To educate them in protecting and promoting their individual and social interest;
- To motivate for family welfare planning and to combat social evils.

**14.9** Rural Volunteers are given one week orientation /Refresher Courses at Regional Directorates to assist Education Officers in conducting Rural Awareness Camps. These camps are attended by landless labour, tribal labour, artisans, forest workers and educated unemployed in rural areas etc.

**14.10** Tailor made programmes of one to four days durations, based on the functional and educational needs of workers, for Handloom, Powerloom, Khadi & Village Industries, Industrial Estates, Small Scale Units, Handicrafts, Sericulture, Coir Industry, Beedi Industry and Workers of Weaker Sections such as women workers, handicapped workers rickshaw drivers, construction workers, civic and sanitation workers are also organized by the Board.

## Performance

**14.11** During the period from April, 2019 to October, 2019, the Board has conducted **2901** programmes of various durations and trained **86084** workers of various sectors. Details are at **Table 14.2**.

*Ministry of Labour & Employment***MAJOR ACHIEVEMENTS****Empowerment Programmes**

**14.12** In pursuance of the recommendations to the Committee on Rural Camps, the Board has introduced 4-days Empowerment Programmes from the financial year 2003-04. During the period from April, 2019 to October, 2019, **189** workers have been benefited in **5** Empowerment Programmes organized for Unorganized, Weaker and Rural Sector workers.

**Programmes for Panchayati Raj Functionaries**

**14.13** The Panchayati Raj Institutions have been entrusted with the responsibility of preparing plans and implementation of various programmes of rural infrastructure development and poverty alleviation programmes which calls for necessary knowledge and skills among the elected members of Panchayati Raj. For the success of Panchayati Raj, its members need to be educated and trained to shoulder their responsibilities in a best manner. Owing to the increasing thrust of the Govt. of India for educating the elected members of Panchayati Raj Institutions, the Board has started, during the year under report, exclusive training programmes of 2-days duration for the elected members of the Panchayati Raj Institutions.

**14.14** During the period from April, 2019 to October, 2019, the Board conducted **3** programmes for **100** elected members of the Panchayati Raj Institutions (including N.E. Region).

**Retraining Programme for Trained Workers of Rural/Unorganized Sector**

**14.15** The Board also introduced a new one-day programme called Retraining Programme for those Trained Workers, who were trained long back say before five years, to update their knowledge and also to make them aware about the various welfare schemes launched by the Central/State Governments after their initial

training.

**14.16** During the period from April, 2019 to October, 2019, **3** such retraining programmes were conducted for **130** rural / unorganized workers.

**Labour Welfare and Development Programmes**

**14.17** The Ministry of Labour has assigned to the CBWE the task of Generating Awareness among the Rural/Unorganized sector workers about the various welfare schemes of the Government for their socio-economic development.

**14.18** Accordingly, the Board has designed and introduced from the year 2003-2004, a new programme called "Labour Welfare and Development" of 2 days duration for the workers of rural/unorganized sector for implementation through its 50 Regional Directorates. During the period from April, 2019 to October, 2019 the Board has organized **63** awareness generation programmes for **2357** workers of rural and unorganized sectors under Labour Welfare & Development programmes.

**14.19** Besides, informative study material developed by the Board in the form of booklets and leaflets for distribution to the participants of the training programmes.

**GRANTS-IN-AID SCHEME**

**14.20** The Central Board for Workers Education through its Grants-in-Aid Scheme extends financial assistance to Trade Union Organizations and Educational Institutions etc. to conduct Workers Education Programmes for their own workers.

**14.21** The Grants-in-Aid Scheme of the Board was introduced in the year 1960 and developed considerably since then. It is modified and improved from time to time after taking into consideration the suggestions and demands from



the Trade Unions. The last revision of the Grants-in Aid scheme and its pattern of expenditure were done in April, 2005 with a view to induce the trade unions to avail this faculty on a wider scale. Similarly the rules and procedure of the Grants-in-Aid Scheme have also been simplified accordingly to meet the Trade Union needs.

**14.22** Grants-in-aid is available for conducting full time Residential and Non-residential Programmes of 3 to 7 days duration according to the local requirement of the Trade Union Organizations. The grantees are allowed flexibility regarding subjects to be covered and number of participants. The grants-in-aid scheme has also been extended to the Rural Workers.

**14.23** The Board provides grants-in-aid to registered Trade Unions and other institutions for conducting their own workers education programmes.

**14.24** The Board also sanctions grants-in-aid for National Level Courses to the Central Trade Union Organizations and National Federations.

### USE OF HINDI

**14.25** One meetings of the Official Language implementation Committee of the Board were held at Head Office, Nagpur on 29.8.2018 to review the progress made in the use of Rajbhasha Hindi at Head Office, Nagpur.

**14.26** Hindi Day was celebrated on 14<sup>th</sup> September, 2019. Hindi fortnight was celebrated from 01.9.2018 to 15.9.2018 in the head office, Nagpur. Different types of competitions were conducted and prizes were distributed to winners. IIWE and all Regional Directorates of the Board also celebrated Hindi Day and observed Hindi Fortnight. All the officers and staff members participated enthusiastically.

### OBSERVANCE/CELEBRATION OF VARIOUS DAYS

**14.27** The Head Office and all Zonal and Regional

Offices of Dattopant Thengadi National Board for Workers Education and Development (erstwhile CBWE), IIWE, Mumbai, observed the following days to mark the occasions :-

- Anti-Terrorism Day
- Independence Day
- Sadbhavana Day
- Vigilance Awareness Week
- Swatch Bharat Abhiyaan
- Celebrating 150 years of the Mahatma Gandhi.

**14.28** Seminars, Symposia, special lecture, film shows, competitions etc. were organized. Pledges wherever required were administered to the trainees and members of staff.

### NEW INITIATIVES

#### MGNREGA

**14.29** In the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the first ever scheme launched by the Govt. of India which guarantees wage employment, the primary objective is to enhance livelihood security in rural areas by providing at least 100 days of guaranteed employment in a financial year to every household whose adult members volunteer to do unskilled manual work.

**14.30** The DTNBWED has conducted exclusive training programmes for rural workers on MGNREGA by way of a project to enlighten the rural masses about the benefits of the National Rural Employment Guarantee Scheme.

**14.31** Following activities are being conducted under the Project –

1. Village Level Programme :
2. Block Level Programme :

Table 14.1

## COURSES ORGANISED UNDER WORKERS EDUCATION SCHEME

Sr. No.	National Level	Sr. No.	Regional Level	Sr. No.	Unit Level	Sr. No.	Specific Categories
1	Refresher Course for RD I/c & Education Officers	1	Training of Trainers	1	Unit Level Classes	1	Functional Adult Literacy Classes
2	Trade Union Leadership	2	Personality Development Programmes	2	Need Based Special Programmes	2	Empowerment Programme for Un-organised Workers (4- days)
3	Office Management Women Empowerment	3	Joint Education Programmes (1 day)	3	Joint Education Programmes (2-days)	3	Empowerment Programme for Weaker Section (4-days)
4	Up-gradation of Skills & Updating Knowledge of Yong Generation	4	Programmes under Self Generation of Funds (1/2/3-days) CTP	4	Plant Level Programme for Trained Workers (1 day)	4	Empowerment Programme for Rural Workers (4-days)
5	Working Women – Labour Laws – Changes and Challenges.	5	Need Based Seminars (1-2 days)			5	Retraining programme for Unorganised Workers (1 day)
6	Attack on Workers Right (Capacity Building & Leadership Development for Trade Union Activists	6	Quality of Life for Workers and their Spouses (4/2 days)			6	Rural Awareness Camps (2 days)
7	Workers Right Violation at Work Place .	7	MGNREGA			7	Retraining programme for Rural Workers (1 day)
8	Problems of Informal Sector Workers.					8	2 days programme for :
9	Skills for developing Effective Leadership in Trade Unions.					8 (a)	Unorganised workers/Stone Quarry etc.,
10	Trade Union Leadership.					8 (b)	Women Workers

11	Office Management for Staff of DTNBWED					8 (c)	SC/ST Workers
12	Empowering activists for digitalization and its use.					8 (d)	Parents of Child Labour/ Child Labour.
13	Leadership Development					8 (e)	Labour Welfare and Development
14	Role of Trade Union in National Development					8 (f)	Construction Workers
15	Social Security for Workers & Welfare Schemes					8 (g)	HIV / AIDS Programme
16	Contract Workers Development Programme						
17	Future to Work.						
18	Introduction to Labour Laws.						
19	Up-Gradation of Skills & updating Knowledge of Young Generation.						
20	Indian Labour Code on Social Security 2018.						
21	Challenges before Trade Union in Present Scenario						
22	Role of Trade Union in National Economic Development.						
23	Problems of Unorganised Sector-issues of Wages and Social Security						
24	Welfare Provisions for Anganwadi Workers.						
25	Empowerment of Women Workers in Coal Industries						
26	Sustainable Development Goal						
27	Promoting Decent Work						

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28	Use of Web Portal and Social Media						
29	Changes in Labour Laws & Conditions						
30	ILO Convention 102 on Social Security						
31	Challenges before Government/Public Sector Industries and its Employees						
32	Social Security and Legislation on Unorganised Workers						
33	Role of Trade Union in National Economic Development						
34	2 <sup>nd</sup> National Commission of Labour on Social Security.						

Table 14.2

**Activities of Dattopant Thengadi National Board for Workers Education and Development  
(erstwhile CBWE) for the period 2018-19**

Activity	Target 2019-20		Achievement from 01.04.2019 to 31.10.2019
		Progs.	Participants
REGIONAL LEVEL			
Training of Trainers (1 ½ month)	4	2	20
Personality Development Programme (21- days)	31	7	212
Refresher Course for Trainers (1 week)	0	0	0
Joint Education Programme on Participative Management (1 day)	466	804	20645
Programmes under Self Generation of Funds / CTPG (1/2/3 days)	856	401	7959
Need Based Seminars (1/2 days)	200	150	3474
Programmes on Quality of Life for Workers and their spouses (4 days)	9	0	0
Programmes on Quality of Life for Workers and their spouses (2 days)	91	7	182
Seminar at Plant Level (1 day)	136	85	2158
Special Programme for Self Generation of Fund Programme (5 days)	0	0	0
Workers Participation in Management	53	4	123
UNIT LEVEL			
Part/Full Time Unit Level Classes (3-months/3-weeks/1 month)	48	7	179
Joint Education Programmes for New Members of Joint Councils at Enterprise Level (2/3 days)	198	158	3955
UNORGANISED SECTOR			
Empowerment Programme for Unorganized Workers/Weaker Section (4 days)	155	3	109
Programme for Unorganized Sector/Stone Quarry/ Construction Workers (2 days)	640	142	5334
Programme for Women Workers (2 days)	575	114	4240



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Programme for Parents of Child Labour/Child Labour (2 days)	198	6	220
Programme for SC/ST, SCSP/TSP (2 days)	3215	767	27362
Labour Welfare & Development Programme (2 days)	481	63	2357
Programmes for Panchayati Raj (2 days)	117	1	40
Programme on Quality of Life for Workers and their spouses (4 days)	82	0	0
Programme on Quality of Life for Workers and their spouses (2 days)	133	5	176
Retraining Programme for Unorganized (1 day)	122	3	130
State Level N E (3 days)	51	2	59
Panchayati Raj (3 days) North-East	18	2	60
Special Programmes for North-East (2/5 days)	10	0	0
Leadership Development Programme (10 days)	10	0	0
Innovative Programme ( 1 day)	0	12	1162
<b>RURAL SECTOR</b>			
Rural Awareness Camps (2 days)	1047	144	5464
Empowerment Programme for Rural Workers (4-days)	123	2	80
Retraining Programme for Rural Workers (1 day)	125	0	0
MGNREGA	458	10	384

## CHAPTER-15

### PROGRAMMES

#### Central Sector Schemes / Centrally Sponsored Schemes

**15.1** The Ministry is implementing many schemes for improving life and dignity of labour force both in Organised and Unorganised Sectors during the current FY 2019-20. Main emphasis of programmes/schemes is on Elimination of Child Labour, Abolition & Rehabilitation of Bonded Labourers, Labour Welfare, Occupational Safety and Health and Employment Generation. The important schemes under Social Security for Workers are: Employees Pension Scheme, 1995, Social Security for Plantation Workers in Assam, PradhanMantriShram Yogi Maandhan for unorganised workers and Pradhan Mantri Karam Yogi Maandhan. National Child Labour Project (NCLP), Employment Generation Programs, namely, National Career service and Pradhan Mantri Rojgar Protsahan Yojna and Labour Welfare Scheme for Beedi, Cine and Non-Coal Mine workers are also the other major schemes.

**15.2** Planning Division in the Ministry of Labour & Employment deals with the monitoring of expenditure of CS/CSS schemes including Scheduled Caste Welfare Programmes, Scheduled Tribe Component and review of North East component.

**15.3** The M/o Finance has provided an outlay of Rs. 10803.00 Crore for the Central Sector Schemes/Centrally Sponsored Schemes for the Ministry of Labour & Employment during the Financial Year (2019-2020). The details of the Schemes Outlay are given in **Table 15.1**.

**15.4** In compliance with the Government directives, this Ministry has earmarked Rs. 1793.30 Crore (16.6% of total allocation) as Allocation for Welfare of Scheduled Caste (AWSC) and Rs. 929.06 Crore (8.6% of total allocation) as allocation under Scheduled Tribe Component (STC) during the current financial year i.e. 2019-20 for Central Sector/Centrally Sponsored Schemes given in **Table 15.1**.

**15.5** 10% of Scheme allocation (Rs. 1080.30 Crore) has been earmarked for specific Projects / Schemes in the North-Eastern (NE) States and Sikkim during 2019-20.

**15.6** The scheme administered by Planning Unit namely "Grants-in-Aid to Research and Academic Institutions and Non-Governmental Organizations (NGOs) and Voluntary Organizations (VOs) for undertaking research in labour related matters" has been discontinued since April 2017.

**15.7** Ministry of Labour & Employment implements 11 Central Sector and 4 Centrally Sponsored Schemes. Ministry also gives Grant-in-aid to Autonomous Bodies viz., V.V. Giri National Labour Institute & Dattopant Thengadi National Board for Workers Education and Development (Erstwhile CBWE). List of the schemes along with budget provisions and expenditure are given in **Table No 15.2 and 15.3**.

Table: 15.1

## Ministry of Labour &amp; Employment: Central Sector Schemes/Centrally Sponsored Schemes

Financial Outlay FY:2019-20

(Rupees in Crore)

Sl. No.	Name of Schemes	Financial Outlay 2019-20 Total	Allocation for Welfare of Scheduled Castes	Allocation for Welfare of Scheduled Tribes
1.	Labour and Employment Statistical System	22.00	2.00	1.25
2..	Machinery for Better Conciliation, Preventive Mediation, Effective Enforcement of labour Laws, Chief Labour Commissioner	23.60	2.00	1.25
3.	Creation of National Platform Of Unorganised Workers and allotment of an Aadhar seeded identification numbers	1.00	0.16	0.09
4.	Employee's Pension Scheme, 1995	4500.00	747.00	387.00
5.	Social Security for Plantation Workers in Assam	19.90	2.72	1.71
6.	National Child Labour Project including grants -in-aid to voluntary agencies and reimbursement of assistance to bonded labour.	100.00	16.60	8.60
7.	<b>Employment Generation Programme</b>			
(i)	National Career services	50.00	8.30	4.30
(ii)	PradhanMantriRojgarProtsahanYojna	4500.00	747.00	387.00
(iii)	Coaching and Guidance for SC, ST and OBCs	18.00	8.03	4.00
(iv)	Employment Promotion Scheme	15.79	1.66	0.86
8.	Strengthening of DGFASLI organisation and OSH in factories , ports and docks	18.50	1.83	0.95
9.	Strengthening of Infrastructure facilities and core function of Directorate General of Mines Safety (SSID)	13.00	1.68	1.01
10.	DattopantThengadi National Board for Workers Education & Development, Nagpur (formerly known as CBWE)	78.00	12.95	6.71
11.	V.V. G.NLI, Noida	12.00	1.99	1.03

12.	Labour Welfare Scheme	164.00	28.59	14.10
13.	BimaYojna for Unorganised workers	17.01	3.27	1.69
14.	Incentive for Entities for providing Maternity benefits	0.10	0.02	0.01
15.	PradhanMantriShram Yogi Maandhan	500.00	83.00	43.00
16.	PradhanMantriKaram Yogi Maandhan	750.00	124.50	64.50
17.	Seeding and Authentification of Aadhaar number of all Insured Persons under ESI database	0.10	0.00	0.00
	<b>Total</b>	10803.00	1793.30	929.06

Table 15.2

## BUDGET PROVISION AND EXPENDITURE

(Rs. in crores)

Sl. No.	Name of the Scheme	BE 2017-18	Actuals 2017-18	BE 2018-19	Actuals 2018-19	BE 2019-20	Exp. Upto 20th Dec. 2019
<b>I Establishment Expenditure of the Centre</b>							
1	Secretariat	58.00	56.95	62.16	59.54	66.81	46.21
2	Labour Bureau	12.74	11.08	12.05	11.30	21.04	13.30
3	Other Expenditures related to CLC®, CGIT & IT		65.24	69.02	65.12	78.26	57.68
4	Directorate General of Factory Advice Services (DGFASLI)	24.88	20.70	23.65	21.61	23.54	16.37
5	Directorate General of Mines Safety (DGMS)	65.10	58.45	62.34	61.80	62.34	48.44
6	International Cooperation	22.00	18.61	22.50	18.85	21.00	0.09
7	Directorate General of Employment	51.00	33.00	36.76	33.35	35.10	25.37
8	DG Labour Welfare (Establishment)	76.28		0.00	0.00	73.00	35.70
	Total-Establishment Expenditure of the Centre	310.00	264.03	288.48	271.57	381.09	243.16
<b>II Central Sector Schemes/Project</b>							
9	Labour and Employment Statistical System (LESS)	68.00	32.34	45.00	32.36	22.00	12.68
10	Strengthening of Adjudication Machinery and holding of Lok Adalates	10.00	5.76	10.00	6.04	0.00	0.00
11	Machinery for Better Conciliation, Preventive Mediation, Effective Enforcement of Labour Laws, Chief Labour Commissioner	20.00	10.78	32.11	13.25	23.60	16.98
12	Strengthening and Development of DGFASLI Organization and OSH in factories ports and docks	22.30	6.47	11.00	6.93	18.50	3.59



13	Strengthening of Infrastructure facilities and core functions of Directorate General of Mines Safety	27.00	11.55	13.01	10.29	13.00	5.70
14	Labour Welfare Schemes	380.00	207.35	242.26	236.93	164.00	111.31
15	Creation of National Platform of Unorganized Workers and allotment of an Aadhaar seeded identification numbers	100.00	0.35	50.00	0.96	1.00	0.14
16	BimaYojana for Unorganized Workers	0.00	0.00	50.00	49.49	17.01	0.00
17	Pradhan Mantri Shram Yogi MaandhanYojana	0.00	0.00	0.00	0.00	500.00	336.45
18	Pradhan Mantri Karam Yogi Maandhan Yojana	0.00	0.00	0.00	0.00	750.00	150.00
19	Employees' Pension Scheme,1995	4771.18	5111.18	4900.00	4900.00	4500.00	3933.00
20	Social Security for Plantation Workers in Assam	50.00	110.00	35.00	22.00	19.90	9.94
21	Incentive for Entities for Providing Maternity benefits	0.00	0.00	0.00	0.00	0.10	0.00
22	National Child Labour Project including grants in aid to voluntary agencies and reimbursement of assistance to bonded labour	160.00	102.16	120.00	93.26	100.00	53.06
23	Seeding and authentication of Aadhaar number of all insured person under ESI	0.00	0.00	0.00	0.00	0.10	0.00
	Total- Central Sector Schemes/ Project	5608.48	5597.94	5508.38	5371.51	6129.21	4632.85
<b>III Other Central Sector Expenditure</b>							
	<b>Autonomous Bodies</b>						
24	Central Board for Workers Education	90.00	71.50	90.00	74.58	78.00	58.50
25	National Labour Institute	15.00	11.00	15.35	10.59	12.00	9.04
	Total-Autonomous Bodies	105.00	82.50	105.35	85.17	90.00	67.54

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<b>IV Centrally Sponsored Schemes</b>							
26	Coaching and Guidance for SC, ST and Other Backward Classes	26.00	17.99	22.00	17.41	18.00	10.56
27	Employment Promotion Scheme	13.90	5.10	13.90	7.73	15.79	10.87
28	National Career Services	125.00	64.51	109.80	38.70	50.00	34.73
29	Pradhan Mantri Rozgar Protsahan Yojana	1000.00	485.02	1652.09	3499.14	4500.00	2620.00
	Total-Centrally Sponsored Schemes	1164.90	572.62	1797.79	3562.98	4583.79	2676.16
	<b>Grand Total</b>	<b>7188.38</b>	<b>6517.09</b>	<b>7700.00</b>	<b>9291.23</b>	<b>11184.09</b>	<b>7619.71</b>

**Table 15.3****Last Five Year BE, RE and Expenditure of the Ministry of Labour & Employment****Rs. In crore**

<b>Year</b>	<b>BE</b>	<b>RE</b>	<b>Expenditure</b>
2014-2015	5408.33	4311.00	4137.79
2015-2016	5361.37	4835.08	4642.06
2016-2017	6242.60	5174.08	4949.30
2017-2018	7378.38	6592.90	6528.57
2018-2019	7700.00	9749.58	9291.23

## CHAPTER-16

## WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

**NATIONAL CAREER SERVICE CENTRES FOR SCHEDULED CASTES AND SCHEDULED TRIBES**

**16.1** National Career Service Centres (NCSCs) for Scheduled Castes and Scheduled Tribes- (erstwhile Coaching-cum-Guidance Centres for SC/ST) were established by Directorate General of Employment & Training (now Directorate General of Employment), Ministry of Labour & Employment, Govt. of India. These Centres provide services to educated SC/ST job seekers registered with Employment Exchanges for enhancing their employability through coaching, counselling and related training programmes. Some of the programmes organized by these Centres cover confidence building, individual guidance, mock interviews, training and practice in typing, shorthand and computer etc. To facilitate the recruitment against reserved vacancies in various central Government Ministries/ Departments, the Special Coaching Scheme is being implemented to enable SC/ST job seekers to appear in competitive Examinations. For further details on NCSC-SC/STs refer chapter 24.

**Labour Welfare Funds/Schemes**

**16.2** A number of schemes providing medical, housing, educational, recreational, water supply and family welfare benefits are being implemented for workers [including SCs / STs persons and persons with Disabilities (PWDs)] engaged in Mica Mines, Iron Ore, Manganese Ore and Chrome Ore Mines, Limestone and Dolomite Mines, Cine and Beedi workers under the five Welfare Funds, namely, Mica Mines Labour Welfare Fund; Limestone & Dolomite Mines Labour Welfare Fund; Iron Ore Mines, Manganese Ore and

Chrome Ore Mines Labour Welfare Fund; Cine Workers Welfare Fund; and Beedi Workers Welfare fund set up by the Acts of parliament. No separate data is maintained with regard to budget/ expenditure/number of persons benefited in respect of SCs/STs Persons and Persons with Disabilities (PWDs).

**Rehabilitation of Bonded Labour**

**16.3** In order to assist the State Governments in the task of rehabilitation of released Bonded Labour, Ministry of Labour & Employment launched a Centrally Sponsored Plan Scheme for rehabilitation of released bonded labour in May, 1978. The Government has revamped the Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers with effect from 17<sup>th</sup> May, 2016. The revamped scheme is known as 'Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016'. The revised scheme is a Central Sector Scheme. The State Government is not required to pay matching contribution for the purpose of cash rehabilitation assistance. Financial assistance has been increased from Rs. 20,000/- to one lakh per adult male beneficiary, Rs. 2 lakh for special category beneficiaries such as children including orphans or those rescued from organized & forced begging rings or other forms of forced child labour, and women and Rs. 3 lakh in cases of bonded or forced labour involving extreme cases of deprivation or marginalization such as trans-genders, or woman or children rescued from ostensible sexual exploitation such as brothels, massage parlours, placement agencies etc., or trafficking, or in cases of differently abled persons, or in situations where the District Magistrate deems fit. Till date, a sum

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of Rs. 9,582.92 Lakhs has been released under the scheme to the State Governments for rehabilitation of 2,93,725 bonded labourers. As per the report of the National Commission on Rural Labour, 1991, 86.6% of the identified bonded labours belong to SC/ST category, so benefits of the scheme are following predominantly to these categories of bonded labourers.

**Health Scheme**

**16.4** Besides providing health care facilities to beedi workers and their families through 10 Hospitals and 286 Dispensaries, following assistance is being provided in case of certain critical diseases.

S. No.	PURPOSE	NATURE OF ASSISTANCE
1	Tuberculosis	Reservation of beds in T.B. Hospitals and domiciliary treatment for workers. Subsistence allowance of Rs. 750/- to Rs. 1000/- p.m is granted as per the advice of the treating physician.
2	Heart Diseases	Reimbursement of expenditure up to Rs. 1,30,000/- .
3	Kidney Transplantation	Reimbursement of expenditure up to Rs. 2,00,000/- .
4	Cancer	Reimbursement of actual expenses on treatment, medicines and diet charges incurred by workers, or their dependents for treatment through Govt. recognized hospitals.
5	Minor surgery like Hernia, Appendectomy, Ulcer Gynecological diseases and Prostrate diseases.	Reimbursement of expenditure up to Rs. 30,000/- .

**REPRESENTATION OF SCs & STs IN MAIN SECRETARIAT OF MINISTRY**

**16.5** Data on representation of Scheduled Castes (SCs) / Scheduled Tribes (STs) employees in the Ministry of Labour & Employment is furnished in **Table 16.1**.

**16.6** As per the requirement of the “Rights of Persons with Disabilities Act, 2016, 4% posts are to be reserved for Person with Disabilities. The data and number of posts held by Persons with Disabilities (PWDs) in the Ministry of Labour and Employment is furnished in the **Table 16.2**

<b>REPRESENTATION OF SCs/STs IN THE MINISTRY OF LABOUR &amp; EMPLOYMET INCLUDING ITS ATTACHED / SUBORDINATE OFFICES / AUTONOMOUS BODIES</b>							
<b>Group</b>	<b>Total No. of Employees (as on 1.1.2018)</b>	<b>Due as per reservation norms</b>		<b>In position</b>		<b>Surplus(+) Shortfall(-)</b>	
		<b>SC (15%)</b>	<b>ST (7.5%)</b>	<b>SC</b>	<b>ST</b>	<b>SC</b>	<b>ST</b>
Group 'A'	4295	644	322	618	269	-26	-53
Group 'B'	5237	786	393	760	372	-26	-21
Group 'C' (including erstwhile Group 'D' also)	35920	5388	2694	6646	2226	1258	-468
<b>Total</b>	<b>45452</b>	<b>6818</b>	<b>3409</b>	<b>8024</b>	<b>2867</b>	<b>1206</b>	<b>-542</b>

**16.7** As per the requirement of the “Rights of Persons with Disabilities Act, 2016, 4% posts are to be reserved for Person with Disabilities. The data and number of posts held by Persons with Disabilities (PWDs) in the Ministry of Labour and Employment as under:-

**Table 16.2**

<b>REPRESENTATION OF PERSONS WITH DISABILITIES (DIFFERENTLY ABLED) IN THE MINISTRY OF LABOUR &amp; EMPLOYMENT INCLUDING ITS ATTACHED / SUBORDINATE OFFICES / AUTONOMOUS BODIES</b>		
<b>Category of Employees</b>	<b>Total Number of Employees (as on 1.1.2019)</b>	<b>Number of posts held by disabled persons</b>
Group 'A'	4295	56
Group 'B'	5237	76
Group 'C' (including erstwhile Group 'D' also)	35920	668
<b>Total</b>	<b>45452</b>	<b>800</b>



## CHAPTER – 17

### LABOUR STATISTICS

#### Functions and Organizational Set-up of Labour Bureau Chandigarh/Shimla:

**17.1** Labour Bureau has been engaged in collection, compilation, analysis and dissemination of labour statistics at All India and State level on different facets of labour. The statistics help in providing vital inputs for formulation of suitable policies and for suggesting appropriate ameliorative measures to improve the conditions of different segments of labour force.

#### The main activities of the Bureau include:

- i) Compilation and maintenance of Consumer Price Index Numbers for (i) Industrial Workers; (ii) Agricultural and Rural Labourers, (iii) Retail Price Index of Selected Essential Commodities in Urban and Rural Areas and (iv) Wage Rate Indices.
- ii) Collection, compilation and dissemination of statistical information on various aspects of labour such as employment, unemployment, wages and earnings, absenteeism, labour turnover, social security, welfare amenities, industrial relations, etc. on the basis of statutory and voluntary returns under different Labour Acts.
- iii) Conducting research studies and surveys on labour related matters in organized/unorganized sectors covering, inter alia, SC/ST Workers, Women Labour, Contract Workers and occupational wage surveys in manufacturing industries, mines, plantations and service sectors.
- iv) Imparting training to State/UT personnel and the trainees sponsored by various State and Central agencies.
- v) Bringing out regular and ad-hoc publications in the field of labour.

**17.2** The two main wings of Labour Bureau are at Chandigarh and Shimla and its five Regional offices are at Ahmedabad, Kolkata, Chennai, Kanpur and Guwahati and a Sub-Regional office at Mumbai under Ahmedabad Regional Office.

#### Major Activities and Achievements of Labour Bureau

##### I. Consumer Price Indices

**17.3** The Consumer Price Indices compiled & maintained by Labour Bureau on a regular monthly basis are as under:-

##### (a) Consumer Price Index Numbers for Industrial Workers (CPI-IW) base 2001=100

1. Consumer Price Index Numbers for Industrial Workers (CPI-IW) which measure the rate of change in prices of a fixed basket of goods and services consumed by the working class population are compiled and maintained by Labour Bureau.
2. Labour Bureau compiled and **released the Consumer Price Index Numbers for Industrial Workers** on base: 2001=100 from **January, 2006**. The index numbers are released on the last working day of every succeeding month through Press Release. These are also published in the Bureau's monthly publication "Indian Labour Journal" besides putting them on the Bureau's Website [www.labourbureaunew.gov.in](http://www.labourbureaunew.gov.in). A comparative Statement of variations in Consumer Price Indices (CPI) for Industrial Workers (IW) is given in **Table 17.1 (i) and 17.1 (ii)**.

##### (b) Consumer Price Index Numbers for Rural Labourers and for Agricultural Labourers [CPI (RL/AL)] (Base: 1986-87=100)

**17.4** Based on the retail price data collected from 600 sample villages, CPI Numbers for Rural labourers and its subset Agricultural Labourers are being compiled for 20 States and All-India on base 1986-87=100 on a monthly basis.

**17.5 Labour Bureau also compiled & released CPI Numbers for Agricultural & Rural Labour (Base 1986-87=100).** The comparative statement of annual variation in CPI-AL and CPI-RL is presented in **Table 17.2. The Annual Report on CPI Numbers for Agricultural and Rural Labourers (Base: 1986-87=100) for the year 2017-18 has been released.**

**(c) Base Updation of Price Index Numbers for Industrial Workers (CPI-IW)**

**17.6** Labour Bureau is in the process of updating the series with more recent base period i.e. 2016=100. On completion of field activities, new Series will be placed before Standing Tripartite Committee (STC), Technical Advisory Committee on SPCL (TAC on SPCL) and National Tripartite Forum represented by Apex Level Trade Union Leaders, Employers' Associations Representatives and State Representatives both from Central Ministries as well as States. On approval by the Tripartite Committee, the index with new base will formally be released.

**(d) Base Updation of Consumer Price Index Numbers for Rural Labourers and for Agricultural Labourers [CPI (RL/AL)]**

**17.7** In pursuance of the recommendations/suggestions made by the various committees/commissions such as Committee of Secretaries, National Statistical Commission (NSC), 2nd National Commission on Labour, Niti Aayog (erstwhile Planning Commission) and Technical Advisory Committee on Statistics of Prices of Cost of Living (TAC on SPCL), Labour Bureau has initiated the process of base updation of CPI-AL and RL. The new series of CPI-AL and RL would have an enlarged scope covering 788 sample villages spread over all the States/UTs (except Chandigarh). The base period for the new series of CPI-AL and RL would be 2019 and would utilize

the results of 75th Round (2017-18) of NSS Consumer Expenditure Survey for weighing diagram. Collection of data on market survey through NSSO-FOD regarding identification, listing, sampling of local areas, shops and specifications of items for the selected sample village spread over various States/UTs is presently in progress.

**(e) Statutory and Voluntary Returns**

**17.8** Labour Bureau collects, compiles and disseminates labour statistics on different facets of labour based on Annual statutory returns received from various State and UT authorities under the provisions of various Labour Enactments and voluntary statistics relating to industrial disputes, closures, lay-offs and retrenchments furnished every month by the State and Central Labour Departments to the Labour Bureau.

**(f) Field Surveys and Studies**

**17.9** Labour Bureau conducts periodic/ad-hoc surveys on different aspects of labour such as: i) Employment, ii) Wages and Earnings, iii) Working and Living Conditions of workers engaged in the Organized and Unorganized sectors of the economy to bridge the gap in the availability of labour statistics. Labour Bureau also compiles wage rate data for 25 agricultural and non-agricultural occupations regularly every month from 600 sample villages of 20 States / UTs. Achievements during the reference year are as under:

- **Wage rate statistics was compiled upto the month of August, 2019** and published in the Indian Labour Journal.
- The booklet titled **“Wage Rates in Rural India” for the year 2017-2018 has been released.**

**(g) Occupational Wage Survey**

**17.10** Different rounds of Occupational Wage Surveys (OWS) are being conducted with the objective of providing data/information required to

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obtain Occupation-wise data on employment, wage rates and dearness allowance for building up Wage Rate Index Numbers.

- i) The field work under the 7<sup>th</sup> Round of OWS was launched in July, 2016 and has been completed in all the 56 industries. Out of 10 reports of 7th round of Occupational Wage Survey (OWS), four reports on Textile Industries, Textile Garment Industry, Plantation Industry and Tea Processing Industry were released in the year 2018-19. The remaining six reports under 7th round of OWS which have been released during the year under reference are as under :

- (1) Mining Sector Industries,
- (2) Ten Manufacturing Industries,
- (3) Ten Engineering Industries,
- (4) Nine Engineering Industries,
- (5) Nine Manufacturing Industries and
- (6) Four Service sector industries

**(h) Contract Labour Survey**

**17.11** Contract Labour Survey aims at studying the extent & nature of problems faced by contract labour and working conditions of contract labour employed in different segments of industries vis-a-vis the provisions under the Contract Labour (Regulation & Abolition) Act, 1970. Information collected under the survey relates to contractor wise employment of contract labour, jobs performed by such labour, reasons for preferring employment of contract labour, working conditions, wages & allowances, fines & deductions, welfare facilities, social security, industrial relations, maintenance of records by the contractor, etc.

**17.12** So far, 47 Surveys have been conducted in 39 industries. **The Field work for Contract Labour survey in Food Corporation of India has been completed and scrutiny of schedules is presently in progress.**

**(i) Working and Living Conditions of Workers in Unorganised Sector of Industries/Employments:**

**17.13** The aim of the survey is to collect data on working and living conditions of workers engaged in the Unorganised Sector of Industries/employments. So far, 31 surveys have been conducted and all the reports have been released. The latest survey has been conducted in Readymade Garment Industry. The draft report of Readymade Garment Industry Survey has been submitted to the Ministry for approval.

**(j) Socio-economic Conditions of Women Workers in Industry:**

**17.14** The scheme aims at collecting data on Women Workers with a view to study their working and living conditions and Welfare facilities available to them vis-a-vis the labour laws. So far 22 surveys of women workers have been conducted in various sector of employment and all the reports have been released.

**(k) Studies on Evaluation of Implementation the Minimum Wages Act, 1948:**

**17.15** The survey aims at evaluating the extent to which the Minimum Wages Act, 1948 is being implemented in various scheduled employments in different parts of the country. So far 28 such studies have been conducted and all the reports released.

**II. Working and Living Conditions of Scheduled Castes/ Scheduled Tribes workers in urban areas:**

**17.16** So far, Labour Bureau has conducted 9 Scheduled Castes workers and 9 Scheduled Tribes workers surveys. A survey has been conducted on "Working and Living Conditions of the Scheduled Castes Workers in unclean occupations" in Ludhiana and SBS Nagar, Punjab. Data validation and data processing work has been completed and report writing work is in progress.

## (l) Annual Survey of Employment and Unemployment

**17.17** In order to fill the data gap for ascertaining the employment-unemployment scenario in the country, Labour Bureau has been entrusted by the Ministry the task of conducting Annual Employment-Unemployment surveys. So far five such surveys have been conducted by Labour Bureau and thereon reports released. The draft report of 6<sup>th</sup>

Annual Employment-Unemployment Survey has been submitted to the Ministry for approval.

**17.18** Labour Force Participation Rate (LFPR), Worker Population Ratio (WPR) and Unemployment Rate (UR) for persons aged 15 year & above according to Usual Principal Status Approach (UPS) based on 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Employment-Unemployment Survey is as follows:

### Key Labour Force Estimates according to Usual Principal Status (UPS) Approach based on 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Employment-Unemployment Survey

(in percent)

Parameter	2 <sup>nd</sup> EUS(2011-12)				3 <sup>rd</sup> EUS(2012-13)				4 <sup>th</sup> EUS(2013-14)				5 <sup>th</sup> EUS(2015-16)			
	M	F	T	P	M	F	T	P	M	F	T	P	M	F	T	P
LFPR	77.4	25.4	-	52.9	76.6	22.6	-	50.9	74.4	25.8	-	52.5	75.0	23.7	48.0	50.4
WPR	75.1	23.6	-	50.8	73.5	20.9	-	48.5	71.4	23.8	-	49.9	72.1	21.7	45.9	47.8
UR	2.9	6.9	-	3.8	4.0	7.2	-	4.7	4.1	7.7	-	4.9	4.0	8.7	4.3	5.0

M- Male; F-Female; T-Transgender & P-Person

## (m) Training in Labour Statistics

**17.19** i) 28th Central Training programme on price collection and index compilation for Price Supervisors and Price Collectors was conducted during 04th to 06th September 2019 at Labour Bureau, Shimla. In this programme, 55 officers / officials from various States participated.

ii) 57th Central Training course in Improvement of Labour Statistics was conducted during 11th to 13th September, 2019 at Shimla. In this programme, 27 officers / officials from various States / UTs / Central Departments participated.

iii) Training programme for 49<sup>th</sup> batch of 24 employees of Ordnance Factory, Medak was organised on 18<sup>th</sup> April, 2019.

iv) Training programme for 50<sup>th</sup> batch of 22 employees of Ordnance Factory, Medak was organised on 03rd May, 2019.

v) Training programme in Labour Statistics was organized for 02 employees of Labour Department Maharashtra on 11<sup>th</sup> and 12<sup>th</sup> July, 2019.

vi) Training programme for 51st batch of 23 employees of Ordnance Factory, Medak was organised on 19th August, 2019.

vii) Training programme for 52nd batch of 18 employees of Ordnance Factory, Medak was organised on 09th September, 2019.

**17.20** The Regional Office of Labour Bureau at Kanpur, also renders assistance to different State Governments/Union Territories in the northern region for conducting the training programme for the benefits of primary units i.e. factories and establishments. This year, six training programmes were organized up to September 2019 in the states of Jharkhand, Punjab and Bihar in which 244 officials participated from primary units.



*Ministry of Labour & Employment***(n) AREA FRAME ESTABLISHMENT SURVEY**

**17.21** In order to assess the employment generation for sizable segment to Non- farm Industrial economy covering 8 important sectors of the Indian economy in establishments with 9 or less workers, Ministry of Labour & Employment has taken a decision to institute the Area Frame Establishment Survey (AFES).

**17.22** The field work for the survey was launched in the first week of February, 2019 and about 20 per cent of the field work has been completed at All India level. However, due to administrative issues, the work was stopped in April, 2019. As per decision taken by the Expert Group during Expert Group Meeting held on 22.08.2019 at Kolkata, a fresh Area Frame Establishment Survey (AFES) is proposed to be launched and a proposal for the same has been sent to the Ministry for approval in October, 2019.

**(o) SURVEY ON PRADHAN MANTRI MUDRA YOJNA**

**17.23** In compliance of Ministry's direction, Labour Bureau launched the survey at All India level on 10<sup>th</sup> April, 2018 to estimate the employment created by Pradhan Mantri Mudra Yojana. Under PMMY Survey, it was decided to canvass about 1.25 Lakh beneficiaries. Accordingly, 3957 Bank and 1612 MFIs (Micro Financial Institutions) branches were selected for conduct of the survey. The field work of the survey was completed on 30.11.2018. An Expert Group Meeting was held for finalization of the report and the report has been sent to Ministry for approval in September, 2019.

**Publications**

**17.24** The Bureau brings out a number of publications based on the statistical research work, studies and surveys conducted by it. The list of publications which have been released/ finalized during 2019 is given in **Table 17.3**.

**Table 17.1 (i)**

Comparative Statement of variations in Consumer Price Indices (CPI) for Industrial Workers (IW)

	Year	CPI (IW)	Percentage variation (annual)
<b>Base 2001=100</b>	2006-2007	125	6.83
	2007-2008	133	6.40
	2008-2009	145	9.02
	2009-2010	163	12.41
	2010-2011	180	10.43
	2011-12	195	8.33
	2012-13	215	10.26
	2013-14	236	9.77
	2014-15	251	6.36
	2015-16	265	5.58
	2016-17	276	4.15
	2017-18	284	2.90
	2018-19	300	5.63

Note :

- Index values are annual average of the respective financial year averages.
- Similarly the percentage variation for 2006-07 has been derived by converting the figures of 2001=100 by using linking factor i.e. 4.63. The converted figure for 2006-07 was 579.
- Value for the year 2005-06 w.e.f. Jan., 2006 have been derived from the figures of 2001=100 by using conversion factor 4.63.



Table 17.1 (ii)

Monthly variation in CPI- IW (Base: 2001=100)														
	2013-14		2014-2015		2015-2016		2016-2017		2017-2018		2018-2019		2019-20	
Month	Index	Percentage variation	Index	Percentage variation	Index	Percentage variation	Index	Percentage variation	Index	Percentage variation	Index	Percentage variation	Index	Percentage
April	226	+0.89	242	+1.26	256	+0.79	271	+1.12	277	+0.73	288	+0.35	312	+0.97
May	228	+0.88	244	+0.83	258	+0.78	275	+1.48	278	+0.36	289	+0.35	314	+0.64
June	231	+1.32	246	+0.82	261	+1.16	277	+0.73	280	+0.72	291	+0.69	316	+0.64
July	235	+1.73	252	+2.44	263	+0.77	280	+1.08	285	+1.79	301	+3.44	319	+0.95
August	237	+0.85	253	+0.40	264	+0.38	278	-0.71	285	-	301	+0.00	320	+0.31
September	238	+0.42	253	0.00	266	+0.76	277	-0.36	285	-	301	+0.00	322	+0.63
October	241	+1.26	253	0.00	269	+1.12	278	+0.36	287	+0.70	302	+0.33		
November	243	+0.83	253	0.00	270	+0.37	277	-0.36	288	+0.35	302	+0.00		
December	239	-1.65	253	0.00	269	-0.37	275	-0.72	286	-0.69	301	-0.33		
January	237	-0.84	254	+0.40	269	0.00	274	-0.36	288	+0.70	307	+1.99		
February	238	+0.42	253	-0.40	267	-0.74	274	-	287	-0.35	307	+0.00		
March	239	+0.42	254	+0.40	268	+0.37	275	+0.36	287	-	309	+0.65		

TABLE 17.2

**Comparative Statement of variation in Consumer Price Indices for Agricultural Labourers (CPI-AL) and Rural Labourers (CPI-RL) on base 1986-87=100**

Year	CPI-AL	CPI-RL	Annual percentage variation	
			CPI-AL	CPI-RL
1995-1996	237	238		
1996-1997	256	256	8.02	7.56
1997-1998	264	266	3.13	3.91
1998-1999	293	294	10.98	10.53
1999-2000	306	307	4.44	4.42
2000-2001	305	307	-0.33	0.00
2001-2002	309	311	1.31	1.30
2002-2003	318	321	2.91	3.22
2003-2004	331	333	4.09	3.74
2004-2005	340	342	2.72	2.70
2005-2006	353	355	3.82	3.80
2006-2007	380	382	7.65	7.61
2007-2008	409	409	7.63	7.07
2008-2009	450	451	10.02	10.27
2009-2010	513	513	14.00	13.75
2010-2011	564	564	9.94	9.94
2011-2012	611	611	8.33	8.33
2012-2013	672	673	9.98	10.15
2013-2014	750	751	11.61	11.59
2014-2015	800	802	6.67	6.79
2015-2016	835	839	4.37	4.61
2016-2017	870	875	4.19	4.29
2017-2018	889	895	2.18	2.29
2018-2019	907	915	2.02	2.23

**Note:-.**

- (i) *The average for the year 1995-96 is based on five months i.e. November, 1995 to March, 1996*
- (ii) *Index values are annual averages of the respective financial year*
- (iii) *The series of CPI-AL/RL on base 1986-87=100 were released w.e.f. the index for the month of November, 1995. In the case of CPI-AL, the linking factor between old (1960-61) and new (1986-87) series is 5.89 while the series of CPI-RL was introduced for the first time w.e.f. November, 1995 index.*

**Source: Labour Bureau, Shimla**

TABLE 17.3

## LIST OF PUBLICATIONS RELEASED/FINALISED DURING 2019

Sl. No.	Publications
1.	Indian Labour Journal (Monthly)
2.	Annual Report on Consumer Price Index Numbers for Agricultural & Rural Labourers Base 1986-87=100 for the year 2017-18.
3.	The Review on the Industrial Establishments Act (Standing orders), 1946 for the year 2016.
4.	The Review on the Working of the Maternity Benefit Act, 1961 for the year 2016.
5.	The Shops & Commercial Establishments Act for the year 2016.
6.	The Report on Payment of Wages Act, 1936 for 2015.
7.	The Report on Minimum Wages Act, 1948 for 2015.
8.	The report on "Statistics of Factories 2015".
9.	The reports on "Trade Unions in India" for the year 2016.
10.	Report on Mining Sector Industries under 7th round of Occupational Wage Survey (OWS).
11.	Report on Ten Manufacturing Industries under 7th round of Occupational Wage Survey (OWS).
12.	Report on Ten Engineering Industries under 7th round of Occupational Wage Survey (OWS).
13.	Report on Nine Engineering Industries under 7th round of Occupational Wage Survey (OWS).
14.	Report on Nine Manufacturing Industries under 7th round of Occupational Wage Survey (OWS).
15.	Report on Four Service sector industries under 7th round of Occupational Wage Survey (OWS).
16.	The Report on Wage Rates in Rural India for the year 2017-18.
17.	Pocket Book of Labour Statistics 2017.
18.	Indian Labour Statistics 2017.
19.	Indian Labour Year Book 2017.
20.	Statistical Profile on Women Labour 2014-15.

## CHAPTER 18

# LABOUR RESEARCH AND TRAINING

**18.1** V.V. Giri National Labour Institute (VVGNI), an autonomous body of the Ministry of Labour and Employment, Government of India was set up in July 1974 and 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.

### VISION

**18.2** A globally reputed institution and centre of excellence in labour research and training committed to enhancing the quality of work and work relations.

### MISSION

- Bring Labour and Labour Relations as the Central Feature in Development Agenda through:
- Addressing issues of transformations in the world of work;
- Disseminating knowledge, skills and attitudes to major social partners and stakeholders concerned with labour and employment;
- Undertaking research studies and training interventions of world class standards, and
- Building understanding and partnerships with globally respected institutions involved with labour.

### OBJECTIVES AND MANDATE

**18.3** The Memorandum of Association spells out clearly a wide range of activities that are essential to fulfill the objective of the Institute. It mandates the Institute:

- (i) to undertake, aid, promote and coordinate research on its own or in collaboration with other agencies, both national and international;
- (ii) to undertake and assist in organising training and education programmes, seminars and workshops;
- (iii) to establish wings for :
  - (a) education, training and orientation;
  - (b) research, including action research;
  - (c) consultancy; and
  - (d) publication and other such activities as may be necessary for achieving the objectives of the society;
- (iv) to analyse specific problems encountered in the planning and implementation of labour and allied programmes and to suggest remedial measures;
- (v) to prepare, print and publish papers, periodicals and books;
- (vi) to establish and maintain library and information services;
- (vii) To collaborate with other institutions and agencies in India and abroad which have similar objectives; and
- (viii) to offer fellowships, prizes and stipends.

## STRUCTURE

**18.4** The General Council, the apex governing body of the Institute, with Union Labour and Employment Minister as its President, lays down the broad policy parameters for the functioning of the Institute. The Executive Council with Secretary (Labour & Employment) as Chairperson monitors and guides the activities of the Institute. Both the General Council and the Executive Council are tripartite in nature and consist of members representing the government, trade union federations, employers' associations and also eminent scholars and practitioners in the field of labour. Director General of the Institute is the Principal Executive Officer and manages and administers the activities of the Institute. Director General is aided in the day-to-day functioning by a team of faculty members consisting of professionals from different disciplines and a team of administrative officials and staff.

## MAJOR ACTIVITIES

### RESEARCH

**18.5** Research on labour and related issues constitutes one of the core mandates of the Institute. The Institute has been actively engaged in undertaking policy research and action research, covering a wide range of labour related issues viz. new forms of employment, future of work, structural transformation and its implications, skill development, labour laws, industrial relations, informal economy, social security, child labour, labour migration, decent work and agrarian relations. The Institute also provides research and technical support to the Ministry of Labour and Employment and other policy making bodies of the Government. The research activities of the Institute are carried out under the aegis of specialised research centres. Each research centre has a Research Advisory Group comprising eminent scholars and practitioners to provide relevant advice and direction.

**18.6** Research Projects completed and ongoing during April, 2019 to October, 2019 under different research centers of the Institute are listed below:

### 1. National Resource Centre on Child Labour

#### Completed Projects

- Development of Training Package on the Basis of Amendments in Child Labour Law and Notification of Rules
- Building of Capacities of State and District Level Multi-stakeholders on Prevention and Rehabilitation of Child Labour on the basis of Amendments in Child Labour Legislation and Ratification of International Conventions (Phase 1)
- Building of Capacities of State and District Level Multi-stakeholders on Prevention and Rehabilitation of Child Labour on the basis of Amendments in Child Labour Legislation and Ratification of International Conventions (Phase 2)
- Multi-Stakeholders Capacity Building at State and District-Level on Prevention, Eradication of different Forms of Child Labour and Rehabilitation on the basis of Standard Operating Procedures (SoPs) under Child and Adolescent Labour (Prohibition and Regulation) Act, and on the International Conventions on Child Labour

#### On-going Projects

- Initiatives to Address Child Labour in Supply Chains in India: Mapping Sectoral Focus
- Actuality of Child Labour Issue in India and the Policy Response Initiatives of the Government: An Analysis
- Building of Capacities of State and District Level Multi-stakeholders on Prevention and Rehabilitation of Child Labour on the basis of Amendments in Child Labour Legislation



*Ministry of Labour & Employment*

and Ratification of International Conventions  
( Phase 3)

**2. Centre for Labour Market Studies****Completed Project**

- Research Study on Youth and the Labour Market Landscape in India: Issues and Perspectives (Research Project carried out under the aegis of BRICS Network of Labour Research Institutes, 2019).

**On-going Project**

- Promoting Youth Employment & Entrepreneurship: A Study with Special focus on 'Startups'

**3. Centre for Agrarian Relations and Rural Labour****Ongoing Projects**

- Decoding Agrarian Crisis: A Study of Production, Employment and Emerging Challenges
- Developing Training Materials Modules on Behavioural Skills and Other Training Inputs

**4. Centre for Employment Relations and Regulations**

- Documentation of Select Practices on Industrial Relations in India

**5. Integrated Labour History Research Programme****Completed Projects**

- India-ILO : 100 Years

**On-going Projects**

- Collection on Labour Law Judgements
- Collection on Collective Agreements in the Banking Sector, Post & Telegraph and Railways
- Digitisation of Existing Collections. The

collections to be digitised during 2019-2020 will be

- All India Trade Union Congress (AITUC) Collection: 170 files pages 44000
- Oral History of Labour Movement: 400 hours of audio tape
- Workers Education Trust Collection(12000 pages Phase II)
- Textile Labour in Ahmedabad (1093 pages)
- National Campaign for Construction Workers Legislation (2763 pages)

**6. Centre for Gender and Labour****Completed Project**

- The Equal Remuneration Act, 1976: Identifying the Affirmative Initiative & Challenges in the Implementation of the Act

**Ongoing Project**

- ILO research paper titled 'Overview of Laws, Policies and Practices on Sexual Harassment and Violence against Women Workers in South Asia'

**7. Centre for Labour and Health Studies**

- Evaluation of Labour Welfare Hospitals and Dispensaries

**8. Centre for North East Research & Training**

- North East Migrants in Delhi: A Socio-economic Study
- Social Security of Handloom Weavers in Manipur
- Livelihood Security and Social Protection of Tea Plantation Workers in Assam

**TRAINING AND EDUCATION (2019-20)**

**18.7** V.V. Giri National Labour Institute is committed to promote a better understanding of

labour problems and to find the avenues and means to tackle them. To achieve this, the Institute, through its varied activities attempts to provide education with regard to labour issues in an integrated manner. While research activities, among other things explore the basic needs of different groups, such data as generated in research activities is used for designing new and modifying existing training programmes. Constant feedback from the participants is used for updating the training curriculum as well as redesigning training modules.

**18.8** Educational and training programmes of the Institute may be viewed as potential vehicles of structural change in labour relations. They can help to generate a more positive attitude for the promotion of harmonious industrial relations. In the rural areas, the programmes are attempted to develop leadership at the grassroots level that can build and support independent organisations to look after the interests of the rural labour. Training programmes equally emphasise attitudinal change, skill development and enhancement of knowledge.

**18.9** The methodology adopted in these training

programmes use an appropriate mix of audio-visual presentation, lectures, group discussions, case studies and behavioural science techniques. Apart from the Institute's faculty, guest faculty is also invited to strengthen the training programmes.

**18.10** The Institute offers education and training to the following groups:

- Labour Administrators and officials of the Central and State Governments,
- Managers and Officers of the Public and Private Sector Industries,
- Trade Union Leaders and Organisers of the organised and unorganised sectors, and
- Researchers, Trainers, field workers and others concerned with labour issue.

**18.11** During the year from April 2019 – October 2019, the Institute has conducted 84 training programmes including 05 International programmes and 2669 participants including international participants from different countries have also attended these programmes. The details are as follows:

**Training Programmes held during April-October 2019**

S.No	Name of the Programme	No. of Progs.	No. of Days of Progs.	No. of Participants
1.	LABOUR ADMINISTRATION PROGRAMMES	4	19	92
2.	INDUSTRIAL RELATIONS PROGRAMMES	15	66	237
3.	CAPACITY BUILDING PROGRAMMES	21	103	639
4.	RESEARCH METHODS PROGRAMMES	3	29	68
5.	INTERNATIONAL PROGRAMMES	5	65	121
6.	CHILD LABOUR PROGRAMMES	8	22	319
7.	INHOUSE PROGRAMMES	14	155	637
8.	NORTH EAST PROGRAMMES	8	40	329
9.	COLLABORATIVE PROGRAMMES	6	30	227
	TOTAL	84	529	2669

## Ministry of Labour & Employment

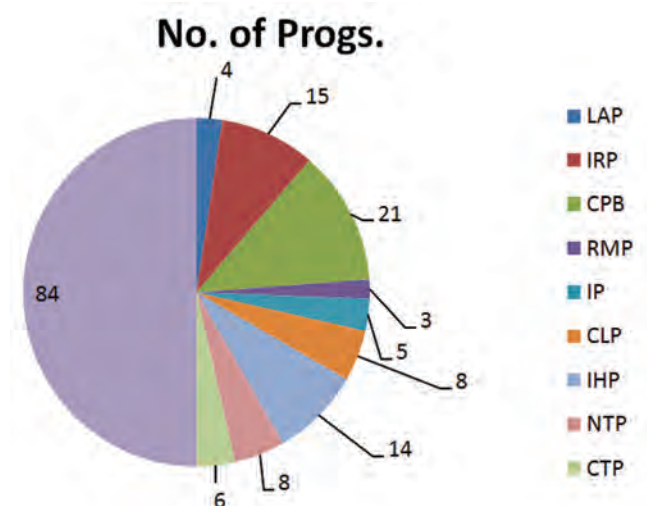
### INTERNATIONAL TRAINING PROGRAMMES

**18.12** The Institute has been empanelled by Ministry of External Affairs, Government of India for conducting various international training programmes under Indian Technical and Economic Cooperation (ITEC) Scheme. During the period April 2019– October 2019, the Institute organized 03 international programmes under ITEC scheme on subjects like 'International Labour Standards and Promotion of Gender Equality at the Workplace', 'Skill Development & Employment Generation' and 'Enhancing Leadership Skills'. 84 foreign officials from 43 countries attended these programmes.

**18.13** The Institute has jointly conducted 02 international programmes with International Training Centre of International Labour Organisation (ITC-ILO), Turin on 'Promotion of Youth Employment in Fragile Settings' and 'Strengthening the Capacity of Technical and Vocational Education and Training' (TVET) for the officials of Afghanistan Government and India. These programmes were attended by 37 participants.

### PROGRAMMES FOR NORTH EAST REGION

**18.14** During April to October, 2019, the Institute organised 08 training programmes for North Eastern Region. These programmes were designed for State Government Officials, Central Trade Union Leaders and NGOs. Three hundred twenty nine (329) participants participated in these programmes.



(LAP- Labour Administration Programme)

(IRP – Industrial Relation Programme)

(CBP – Capacity Building Programme)

(RMP – Research Methods Programme)

(IP- International Programme)

(CLP – Child Labour Programme)

(IHP – Inhouse Training Programme)

(NTP- North East Programme)

(CTP- Collaborative Programme)

### Publications

**18.15** VVGNI has a dynamic publishing programme for dissemination of various labour related information in general and its research findings and experiences in particular. In order to fulfill this task, the Institute brings out journals, occasional publications, books and reports.

### Labour & Development

**18.16** *Labour & Development* is a biannual academic journal. It is dedicated to advancing the understanding of various aspects of labour through theoretical analysis and empirical investigations. The journal publishes articles of high academic quality in the field of labour and related areas with emphasis on economic, social, historical as well as legal aspects and also publishes research notes and book reviews on them particularly in the context

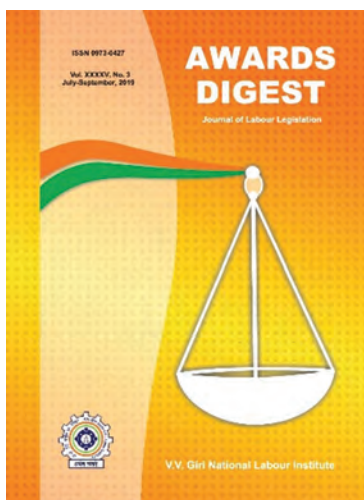




of developing countries. The Journal is a valuable reference for scholars and practitioners specialising in labour studies.

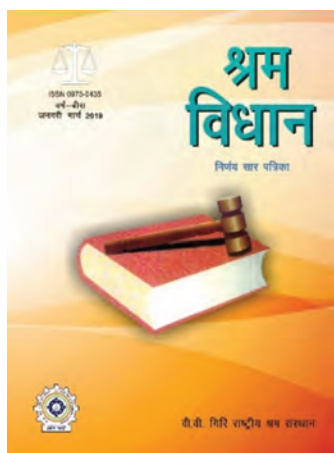
### Awards Digest: Journal of Labour Legislation

**18.17 Awards Digest** is a quarterly journal which brings out a summary of the latest case laws in the field of labour and industrial relations. The decisions rendered by the Supreme Court, High Courts and Central Administrative Tribunals are reported in the Journal. It includes articles, amendments to labour laws and other relevant information. The journal is a valuable reference for personnel managers, trade union leaders and workers, labour law advisors, educational institutions, conciliation officers, arbitrators of industrial disputes, practicing advocates and students of labour laws.



### Shram Vidhan

**18.18 Shram Vidhan** is a quarterly Hindi journal which brings out a summary of the latest case laws in the field of labour and industrial relations. The decisions rendered by the Supreme Court, High Courts and Central Administrative Tribunals are reported in the Journal. This journal is a valuable reference for personnel managers, trade union



leaders and workers, labour law advisors, educational institutions, conciliation officers, arbitrators of industrial disputes, practicing advocates and students of labour laws.

### Indradhanush

**18.19** It is bi-monthly Newsletter brought out by the Institute which captures Institute's multifarious activities in the area of research, training and education, workshop, seminar etc. The Newsletter also brings out brief details about different events organized by the Institute. It also highlights professional engagements of the Director General and faculty members along with profiling the visits of the distinguished persons who visit the Institute.



### Child Hope

**18.20 Child Hope** is a quarterly Newsletter of the Institute. It is being brought out to pave way for ending child labour by reaching out to different sections of society, mobilizing their efforts in this direction, etc.



### ShramSangam

**18.21 ShramSangam** is a biannual official language magazine brought out by the institute to

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orient the employees towards progressive use of Hindi and to make use of their creativity in its expansion. Apart from poems, essays and stories written by the employees, it contains informative and motivational articles on art & culture, science, current events, sports, and biographies of great men/authors.



### NLI Research Studies Series

**18.22** The Institute is also publishing a series entitled, *NLI Research Studies Series*, to disseminate the findings of the research activities of the Institute. So far the Institute has published 140 research findings in this series. The research studies brought out as *NLI Research Studies Series* during April-October, 2019 include:



139/2019 Rural Industrialisation and Options for Self Employment in Rural Areas –*Dr. Poonam S. Chauhan & Dr. Shashi Bala*

140/2019 Youth and the Labour Market Landscape in India: Issues and Perspectives -*Dr. S.K. Sasikumar*

### VVGNI Policy Perspectives

**18.23** *VVGNI Policy Perspectives* focuses on key policy interventions of the government and its implications for labour and employment and also on strategies/policy initiatives to be followed which could be adopted in the area of labour and employment in future.



The Institute brought out 16 Publications during April-October, 2019.

### Swachh Bharat

**18.24** An extensive clean and green programme in the VVGNI has initiated under the slogan “150 years-150 plants”, a massive tree plantation was organized in the Institute.



### ADVOCACY AND DISSEMINATION

**18.24** Advocacy and dissemination of relevant information about various programmes and schemes are considered as core strategies to enhance the outreach of the welfare programmes



launched by the Ministry of Labour and Employment to benefit the disadvantaged people & backward regions and disseminate knowledge on labour and labour issues apart from the details about various training programmes and research activities conducted by V.V.Giri National Labour Institute. Such events provide a platform to reach out a large section of stakeholders and social partners. During April to October, 2019, the Institute participated in a Mega Event '**Rise in Haryana**' at Hansi to spread the information and knowledge on recent innovative government schemes, interventions and activities of Ministry of Labour & Employment, and VVGNI for enhancing the welfare and development of people. The Institute has also displayed all its major publications in this event.

### **N.R. DE RESOURCE CENTRE ON LABOUR INFORMATION (NRDRCLI)**

**18.25** N.R. De Resource Centre on Labour Information (NRDRCLI) is one of the most reputed library cum documentation Centre in the area of labour studies in the country. The Centre was renamed in memory of late Shri Nitish R. De, the founder Dean of the Institute on July 01, 1999 to commemorate the Silver Jubilee Celebration of the Institute. The Centre is fully computerized and offers the following services and products to its users.

### **18.26 Physical Achievements**

**1. Books/Journal/Services** - The library has acquired 249 books/reports/bound volumes of journals / CDs/ AV/ VC during April 2019 to October 2019, thereby enlarging the stock of books/reports/ bound volumes of journals / slides / audio visual / videos / CDs /photographs/Posters/banners/ clippings/panels etc. to **65519**. The library regularly subscribed to **53** professional journals, magazines and newspapers in printed and electronic forms during the period. This Knowledge Centre provides services to users: Selective dissemination of information (SDI); Current

awareness service; Bibliographical service; On-line search; Article indexing of Journals; Newspaper clippings service; Micro-fiche search and printing; Reprographic Service; CD-ROM Search; Audio/Visual Service; Current Content Service; Article Alert Service; Lending Service and Inter-Library Loan Service.

### **2. Products**

The library provides following products in printed forms to users populations;

- Guide to periodical literature – Quarterly in-house publication providing bibliographical information of articles from over 53 selected journals / magazine.
- Current Awareness Bulletin – Quarterly in-house publication providing bibliographical information on acquisition in NRDRCLI.
- Article Alert – Weekly publication providing bibliographical information of important articles in all subscribed journals/magazines.
- Current Content Service – Monthly publications. It is the compilation of content pages of subscribed journals.
- Article Alert Service – This weekly service is hosted on the Institute's web site for public access.
- e-Newspaper Clipping Service – A weekly service of scan copy of all major news pertaining to labor & related subjects.

### **3. Maintenance of specialized resource centre**

The following two specialized resource centers have been created and maintained for reference purpose:

- National Resource Centre on Child Labour
- National Resource Centre on Gender Studies

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### DIGITAL ARCHIVE

**18.27 Networking** with agencies (national and international) involved in digital archiving is a crucial aspect of the archive. The archive is the country's largest digital repository of labour documents, with more than 15 gigabytes of data on the World Wide Web ([www.indialabourarchives.org](http://www.indialabourarchives.org)) for public access. The collections for the archives are generated through commissioning and monitoring research and collection projects on prioritised areas of labour history, which involves negotiation and networking with experts and agencies, both within and outside the country.

### 18.28 MAJOR ACHIEVEMENTS

- During April to October, 2019, V.V. Giri National Labour Institute conducted 84 training programmes for various social partners. The number of trainee participants was 2669 during.
- VVGNNLI initiated 22 research projects and completed 07 research projects during April to October, 2019 on various facets of labour and employment.
- **'National Stakeholder Consultation on the Future of Work'** jointly organized by VVGNNLI, MoL&E and ILO and inaugurated by Shri Santosh Kumar Gangwar, Hon'ble Minister of State for Labour & Employment (I/C), Govt. of India to celebrate ILO's Centenary and to deliberate on different aspects of the launch of the report of Global Commission on the 'Future of Work Report, Work for a Brighter Future' was held on 8<sup>th</sup> February, 2019 at VVGNNLI, NOIDA
- Two-day Consultation on 'Gender, Unpaid Work and Care: Policy Directions from India towards Achieving Sustainable Development Goals' was organized during March 7-8, 2019 by VVGNNLI in collaboration with International

Centre for Research on Women (ICRW), New Delhi at VVGNNLI, NOIDA

- Singapore Conference on '**Future of Work**' for Social Partners of ASEAN countries and six dialogue partner countries viz. India, Australia, China, New Zealand, Japan and Korea was held at Singapore from April 28<sup>th</sup> to 30<sup>th</sup>, 2019. The Conference was organized by the Govt. of Singapore and the International Labour Organization (ILO) as a part of the Centenary Year Celebrations of the ILO. Dr. H. Srinivas, DG, VVGNNLI attended the Conference.
- On the eve of World Day Against Child Labour (WDACL) 2019, a '**Technical Consultation on the Theme of Children shouldn't Work in Fields, but on Dreams**' was inaugurated by Shri Heeralal Samariya, Secretary, Ministry of Labour & Employment and Chairperson, Executive Council held at VVGNNLI, Noida on June 12, 2019. The consultation was jointly organized by VVGNNLI & the ILO.



**Shri Heeralal Samariya, Secretary (L&E) delivering the inaugural address in the Consultation**

- Pre-Budget consultation with different stakeholder groups in connection with the Union Budget, 2019-20 was held on 15th June, 2019 – Hon'ble Finance Minister's meeting with trade union representatives at North Block, New Delhi

- As a part of the BRICS Network of Labour Research Institutes, a Roundtable on '**Youth Employment and the Future of Work**' was organized by the Ministry of Labour and Social Protection of the Russian Federation and All Russian Scientific Research Institute along with ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia on the sidelines of World Championship on Professional Skills according to the standards of '*World Skills*' held on 26th August, 2019 in Kazan, Russia. Dr. H. Srinivas, DG, VVGNNLI attended the Roundtable and presented the work conducted by VVGNNLI.
- For the first time, a **National Workshop on Disaster Management in collaboration with National Institute of Disaster Management (NIDM)** was organised during June 24-28, 2019 at its campus in Noida. 26 officers from Indian Administrative Service and State Administrative Services serving in various capacities as SDM, ADM, Tehsildar and also senior Officers from Ministry of Labour and Employment, Mines Safety, Food Safety, Fire Safety, Agriculture and Education Departments participated in this Workshop. Dr. H. Srinivas, Director General, VVGNNLI highlighted the importance of disaster management and mentioned that it is first-of-its kind collaborative initiative of two National institutions. In the valedictory session Dr. Mrutyunjay Mohapatra, the DG designate of Indian Meteorological Department (IMD) made a presentation on Early Warning System and Cyclone Management chaired by Dr. H. Srinivas DG, VVGNNLI.
- As a part of the agreement with the **Employee State Insurance Corporation (ESIC)**, the Institute conducted a series of **Induction Training Programmes (08) for newly recruited Social Security Officers (SSOs)**. The objectives of the training programmes were to: (a) instill a sense of belongingness to the employers i.e. ESIC; (b) understand the international and national framework of social security and the role of ESIC in the overall framework; (c) outline the vision roadmap of ESIC and provide overview of various provisions of the ESI Act, 1948 and its enabling rules, regulations and instructions issued from time to time; (d) build capacity on general office procedure, noting and drafting, GFR, e-governance, impartation of soft skills, public grievance redressal mechanism, vigilance matter, sensitization towards weaker sections of society etc, to equip and prepare them with requisite information and skills to handle official work at the operative and supervisory levels. These training programmes were attended by 462 Social Security Officers of ESIC.
- As a part of the MoU between VVGNNLI and International Training Centre of International Labour Organisations (ITC-ILO), Turin, the Institute organised 02 collaborative training programmes on viz: (i) Promotion of Youth Employment in Fragile Settings (May 7-10, 2019); and (ii) Strengthening the Capacity of TVET in Afghanistan (May12-15, 2019) for the Government of Afghanistan. These programmes were attended by 42 officials of Government of Afghanistan, Ministry of Labour & Employment and VVGNNLI.
- The Institute organized '**Swachhta Pakhwada**' from 1-15 May, 2019. Dr. H. Srinivas, Director General administered the 'Swachhta Pledge' to all the faculty members, officers and employees of the institute who participated in the Swachhata Pakhwada and undertook activities to maintain the campus clean, keep the garden areas green and sustain this mission. Tree plantation activities were also carried out in the campus.



### Ministry of Labour & Employment

- The Institute celebrated the “**International Yoga Day**” on 21<sup>st</sup> June, 2019. It was attended by faculty, officers and staff members along with their families as well as participants of different training programmes. On this occasion, Dr. H. Srinivas, Director General of the Institute emphasized on the importance of Yoga in daily lives of each and everyone and advised the participants to make it a part of their lives and practice it daily.



*‘Yoga Day’ celebration at VVGNNLI on 21<sup>st</sup> June, 2019*

- A five-day training workshop on “**Managing Livelihood and Social Protection in the North East**” was jointly organised with Department of Tribal Studies, Indira Gandhi National Tribal University-Regional Campus Manipur, Imphal and Dhanamanjuri Community College, Imphal during June 10-14 at the Conference Hall, Dhanamanjuri Community College, Imphal. It was inaugurated by Shri W. Malemnganba Chenglei, IAS, Director, University and Higher Education, Govt. of Manipur. 70 delegates representing teachers, trade unions, NGOs and research scholars participated in the workshop.
- On the eve of 150<sup>th</sup> birth anniversary of **Late** (Shri) **Mahatma Gandhi**, Father of Nation, the V.V. Giri National Labour Institute

organized a massive tree plantation at the institute on 18 July, 2019. During the plantation drive, around 150 various types of saplings were planted in the institute’s campus. The plantation drive involved a participation of more than 150 people including employees and participants of various training programmes. On the occasion, **Dr. H. Srinivas**, Director General, VVGNNLI administered a pledge and highlighted on the various activities to be undertaken to commemorate the 150<sup>th</sup> birth anniversary of Mahatma Gandhi at the institute including the tree plantation drive.



*Dr. H. Srinivas, Director General planting the tree along with the employees of the Institute*

- First meeting of the reconstituted Executive Council of the VVGNNLI was held on 24<sup>th</sup> July, 2019 chaired by Shri Heeralal Samariya, Secretary, Ministry of Labour & Employment and Chairperson, Executive Council. Ms. Sibani Swain, Additional Secretary & Financial Adviser; Ms. Kalpana Rajsinghot, Joint Secretary and members of Executive Council representing Employers’ Organisations and Workers Organisations attended the meeting.
- Five publications namely, Awards Digest (quarterly journal, April-June, 2019); Indradhanush (bi-monthly newsletter, May-

June, 2019); NLI Research Studies Series No. 137/2019 - Complexity in the Determination of Minimum Wages for Domestic Workers in India; NLI Research Studies Series No. 138/2019 - Unpaid Work and Time Use Patterns of Women Workers in North East India: Special Reference to Tripura; Workshop Report on the Equal Remuneration Act, 1976: Identifying the Affirmative Initiative & Challenges in the Implementation of the Act, were released by Shri Heeralal Samariya, Secretary (Labour & Employment) and Chairperson, EC during the Executive Council's meeting held on 24<sup>th</sup> July, 2019.



**Shri Heeralal Samariya, Secretary (Labour & Employment) and Chairperson, Executive Council, VVGNI releasing the publications in the presence of other Executive Council members**

- V.V.Giri National Labour Institute participated in the event 'Rise in Haryana 2019' (August 29-31, 2019) organised by TARMEH events. V.V.Giri National Labour Institute was conferred with First Prize. ISRO became the 1<sup>st</sup> runner up (Second Prize) and Ministry of Ayush (Third Prize). About 30 Central Government Ministries, National Institutes and PSUs participated in this event. During the event, visitors were made aware of the activities of the Institute namely; Research, Training and Publication including sensitization on child labour, gender issues and future of work etc. Awareness and sensitization activities were conducted on major initiatives of the Ministry of Labour and Employment, Government of India such as PENCIL Portal, National Career Service Portal, PMRPY, Maternity Benefit, Pradhan Mantri Shram Yogi Mandhan (PM-SYM), Initiatives of ESI and EPF, Legislative and Governance Initiatives of MoLE and also DDU-GKY, PMKVY, MUDRA Yojana, Startup India and Stand UP India, PM Kisan Samman Nidhi Yojana. About 15,000 students from schools, colleges, universities and teachers /professors, employees, workers, general public visited the event. Lt. General D.P. Vats, Hon'ble MP Rajya Sabha, Shri Dharamvir Singh, Hon'ble M.P. Lok Sabha, Ms. Sunita Duggal, Hon'ble M.P. Lok Sabha, Shri Brijendra Singh, Hon'ble M.P. Lok Sabha, Professor Gurdial Singh, Vice Chancellor, LUVAS visited VVGNI's stall and
- A **National Seminar on 'Migration of Youth from North East India to Urban Metros'** in collaboration with Centre for North East India, Maharaja Agrasen College and University of Delhi was organised during August 22-23, 2019 at Maharaja Agrasen College (MAC), New Delhi.
- For the first time, in-house training programme on '**Corporate Social Responsibility and Industrial Relations**' was organised from 29 July to 2 August, 2019. The programme was attended by 16 representatives from Public Sector Enterprises and other government organisations.





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appreciated the activities and initiatives. Mr. P. Amitav Khuntia, Associate Fellow of VVGNNI was the Event Director from V.V Giri National Labour Institute. Mr. Rajesh Karn from VVGNNI and Ms. Ujjwala Singh, Ms. Anayat Gill, Mr. Rajiv Shukla alumni of VVGNNI programmes were present in the event.

- A Workshop on '**Mahatma Gandhi and Rural Industrialization**' was organized on 2<sup>nd</sup> October 2019 as a part of the activities in commemoration of 150<sup>th</sup> birth Anniversary of Mahatma Gandhi. The Workshop was presided over by Dr. H. Srinivas, Director General, V. V. Giri National Labour Institute (VVGNNI) and Dr. Helen R.Sekar, Senior Fellow directed the Workshop. A presentation was made on the theme of the Workshop and focussed on the Gandhi's Vision of industrialization, particularly Gram *Swaraj* or rural industrialization by Dr. Ramya Ranjan Patel, Associate Fellow. The other issues highlighted in the presentation included the importance of *khadi* and the philosophy of non-violence. Literacy competitions were held for young students at the Institute to ingrain Gandhian Philosophy in young minds. Dr. H. Srinivas reflected on the relevance of Gandhian Philosophy even in today's context. While drawing various examples from the life of Gandhiji, he mentioned about the practice

of science with a human face. He referred to the Future of Work scenario and the need for a human centric approach. Finally, he stated that the government had embarked on Gandhi's idea of Swatch Bharat. Prof. Amitabh Kundu, JNU, New Delhi, referred to the Gandhi's idea of 'bread labour' which was also reflected in works of Leo Tolstoy and also in Mahabharata. The idea of bread labour was also mentioned in Christianity. He highlighted on the issue of sanitation as one aspect of bread labour. The relevance of bread labour for employment was one of the prominent issues raised in Prof.Kundu's presentation. Over eighty participants from different Government Departments, Civil Society Organizations, Trade Unions, Self-Help Groups, Social Workers, etc. from various parts of the country namely the Districts Jalgaon, Ghatkopar, Pune, Bandra and Mumbai of Maharashtra, District Bilaspur of Himachal Pradesh; Districts Rourkela, Bhubneshwar, Ganjam, Angul and Koraput of Odisha; Districts Thiruvannamali, Krishnagiri and Tiruchirapally of Tamil Nadu; Districts Jhunjhun and Udaipur of Rajasthan; District Jabalpur of Madhya Pradesh; Districts Murshidabad and Nadia of West Bengal; District Raipur of Chhattisgarh; Districts Gautam Budh Nagar, Sahibabad and Ghaziabad of Uttar Pradesh and from the NCR region participated in the Workshop.



**Dr. H. Srinivas, Director General addressing the participants of the Workshop**

## CHAPTER – 19

## INFORMATION TECHNOLOGY (IT) / MEDIA RELATED INITIATIVES / E-GOVERNANCE

**19.1** The National eGovernance Plan (NeGP) is an initiative by the government of India to connect eGovernance systems throughout the country and create a nation-wide network for electronic delivery of government services. The National e-Governance Plan (NeGP) was conceptualized to focus on e-Governance initiatives at the national level with an aim to “Make all Government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realize the basic needs of the common man”. In this regard, “Scheme on Information Technology” is under implementation in the Ministry. The objective of the Scheme is to strengthen and up-grade the existing information technology infrastructure in the Ministry. It is intended to bring the working of the Government to higher standard and move in the direction of paperless office. An amount of Rs. 122 lakh was earmarked for IT infrastructure during the financial year 2019-20.

**19.2** Considering the importance of National e-Governance Plan, the Ministry of Labour and Employment and various organizations under it carried out the following activities:

### A. Activities in the Ministry:

- i. Several IT initiatives including development of Tour & Travel Software for the officials of the Ministry, development of website for 22 Central Government Industrial Tribunal-cum Labour Courts (CGITs-cum-LCs) so that the litigating parties can get information regarding cause list, tenders, date of next hearing, etc online, development of Flower Maintaining System, canteen management software etc.
- ii. Implementing e-Office as one of the Mission Mod Projects (MMPs) under the Digital India Programme. Use of e-office in official transactions helps in bringing transparency, accountability and expeditious decision making. E-office also provides additional advantages like real time tracking, location agnostic disposal, universal search-ability and retrieval of files.
- iii. PENCIL (Platform for Effective Enforcement of No Child Labour) Portal was launched for better monitoring & reporting system, to ensure effective implementation of the provisions of the amended Child Labour (Prohibition & Regulation) Act, 1986 and National Child Labour Project (NCLP) Scheme. PENCIL Portal has five components namely :- (i) Complaint Corner, (ii) District Nodal Officer (DNO), (iii) National Child Labour Project (NCLP) Scheme, (iv) State Government and (v) Central Government. At present District Nodal Officers from 611 DNOs from 27 states have been nominated for disposal of online complaint. Further, all operational Project Societies of NCLP are registered on the portal for better implementation of NCLP scheme.
- iv. Issued Notification dated 21st February, 2017 for ease of compliance of Labour Laws, reducing the number of Registers to be maintained to 5 in place of 56 Registers which were provided under the Central Labour Laws/Rules. To facilitate the compliance by the establishments further, a

were taken up.

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- software was developed for maintenance of these registers by the Establishments and uploaded for free download on the Ministry's website <https://labour.gov.in/eRegister> . As on 05.01.2020, 31,300 number of downloads have been made by the establishments all over India since inception of the website.
- v. Directorate General of Employment (DGE) has taken initiatives to bring Employers and Jobseekers on a single platform through National Career Service (NCS) Portal ([www.ncs.gov.in](http://www.ncs.gov.in)). NCS Mobile App has been developed. As on 31.10.2019, over 1.01 crore active jobseekers and 25,184 active Employers are registered on the portal. It has led to mobilization of over 58.50 lakh vacancies since launch of the portal.
  - vi. Organizing job fairs on this platform is one of the important component of the NCS portal. Over 1800 job fairs have been organised on NCS. NCS has partnered with Department of Posts and CSCs (Common Service Centres) to extend registration of job seekers. To enhance the reach and enrich the employment opportunities available to youth, Memorandums of Understanding (MoUs) have also been signed with leading job portals, placement organizations and institutions of repute. Government has approved 171 (including 07 on non-funding basis) Model Career Centres. A scheme has been evolved to interlink all employment exchanges to the NCS Portal and for organization of job fairs at the district level on a quarterly basis. Government of India has also made it mandatory for all the Government departments to post their vacancies on the NCS Portal.
  - vii. ShramSuvidhaPortal(SSP) is a major IT initiative of the Ministry, towards ease of doing business and reducing the complexities in labour law compliance. Details have been given in para 1.10 (chapter 1).
  - viii. Initiates of the CLC Organisation are as under
    - a. CLC(C) organisation is using IT for inspection under various Labour Lawas, Licence and registration under Labour Laws, unified annual return under various Labour Laws through ShramSuvidha Portal
    - b. LIMBS portal is being used to enter details of cases of Hon'ble Supreme Court, high Court, Labour Court and lower courts by the respective field offices of the CLC(C) organization.
  - ix. Labour Bureau has taken many IT initiatives during the year 2019-20 which including the following
    - a. all reports compiled from collected data are being put on the website of Labour Bureau to facilitate easier access to the compiled reports,
    - b. Various stakeholders can now access data pertaining to prices under Comsumer Price Index(IW) on a dedicated portal "labourbureaucpi.gov.in",
    - c. For online collection of prices under the new base for CPI(IW), a software has been developed which makes use of hand-held devices such as TABs. This will help improve the quality of data that is being collected and also reduce the time-lag in the release of Index Numbers.
    - d. Labour Bureau is in process of development of a software through NICSi for online collection of data on 11 Labour Acts.
  - x. DGMS has taken many IT initiatives during the year 2019-20 which including the following:

- a. The website of DGMS has been redesigned and customized for providing better user interface and transparency for different stakeholders.
- b. In line with the Digital India initiative, software modules namely “Approval System”, “Permission/ Exemption/ Relaxation System” have been developed and made live for use by the user industry. As on 30-10-2019 total of 3804 application for Permission/ Exemption/Relaxation has been received online and 3056 has been dealt accordingly.
- c. “National Safety Award (Mines) System” software module has been made live for online submission of applications for the NSA (mines), evaluation and verification of data and preparation of awardees list. This has brought transparency and accountability in the system.
- d. “Accidents & Statistics System” software module has been developed and tested. The system is planned to be made live during 2019-20. This system would enable online sending of accident intimation by the user industry, filing of accident inquiry reports by the inspecting officers of DGMS, follow up of the accident reports, finalization of action and dissemination of the relevant information and alerts to the mining industry for improving safety standards. Additionally, the system would provide platform for online filing of statistical details by the individual mining industry.
- e. “Accounts & Budget System” software module is being developed as a part of “Digital DGMS”.
- f. For online generation of inspection, the modalities for “Risk-based Inspection System” for coal mines have been developed and incorporated in the ShramSuvudha portal.
- g. The digitization of old records including mine plans has been going in view of Digital India and secured record keeping. This will ensure secured record keeping and easy and timely access.
- xi. Dattopantengadi National Board For Workers Education and Development (DTNBWED) is developing a new portal of the organization as per the Guidelines of Indian Government Websites. The Board is also developing a web based MIS portal for maintaining the data of various training programmes/activities conducted by its 50 Regional Directorates in organized, unorganized and rural sectors. The online application is also integrated with the PFMs and DTB Bharat Portal. In accordance to the web portal, a mobile app is also being developed to make it easy for the end users to upload data immediately after completion of the trainings. DTNBWE is also in process of implementing e-Office.

#### B. IT initiatives in EPFO

Various initiatives including the following have already been launched for the convenience of PF members and employers and various new services/ initiatives are under consideration for further reducing the need for physical interaction between EPFO and its stakeholders.

- i. **Claim Receipt Entry at District Offices:** To integrate 117 District Offices spread across country digitally, a facility of Claim Receipt Entry has been provided. This facility will help PF members residing in remote areas to cut down upon long distance travels and time for claim submission.
- ii. **Online filing of International Workers Return:** For the convenience of employers



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who are mandated to file International Workers Return monthly, a facility has been provided to them to file it online through their login on Unified Portal -employer

iii. **Auto approval of Digital Life Certificates:** JeevanPramaan, a Government of India initiative to capture life certificates of pensioners digitally was introduced in EPFO for pensioners of Employee's Pension Scheme, 1995.

iv. **Delinking of wrong Aadhar in PPO;** The seeding of Aadhar against a PPO enabled a pensioner of Employee's Pension Scheme, 1995 to file his/her life certificate digitally through JeevanPramaan.

v. **Document upload facility for correction in DOB:** Earlier a facility was provided on Unified Portal- Member for modifying incorrect basic details like name and date of birth. But, the change in date of birth over one year requires submission of supporting documents which were being sent by PF Members in physical form to concerned Field Office. A facility is introduced on Unified Portal Member for uploading of scanned supporting documents for any correction in date of birth.

vi. EPFO has embarked upon a process of technology refresh with the assistance of M/s C-DAC by introducing a Hybrid Cloud Model as well as more agile and latest software application such as Docker/ Container Technology; Big Data Analytics; Artificial Intelligence, RPA etc. which is expressly intended to further speed up the systems with greater agility and scalability.

### C. IT initiatives in ESIC

i. All major applications were operated smoothly during the year 2018-19. Documentation of health-related transactions, Collection of revenue & delivery

of benefits were made through Modules under Project Panchdeep.

ii. In pursuit to strengthen network infrastructure and improving efficiency of connectivity it was decided to implement SDWAN (Software Defined Wide Area Network) across all offices of ESIC. This will enable accessibility of applications from any broadband connection in lieu of the MPLS connections. This migration will enhance monitoring and bring flexibility and at the same time reduce cost.

iii. Various value-added changes in application were undertaken for user benefit and delivery of services, such as:

a. Employer registration provision through Integrated application of ESIC (Panchdeep) & MCA (Ministry of Corporate Affairs) (SPICe) was achieved for Ease of Doing Business by the employers, who are one of the important stakeholders for this social security eco-system.

b. A concept health I Card "**ESIC Health Passbook**" has been designed in Application to be printed out and issued to the Beneficiary at the time of first-time registration by the employer. This shall facilitate easy identification of bonafide beneficiary and recording of health events on it.

c. For documentation of clinical events of a beneficiary by the Insurance Medical Practitioners "**Dhanwantri**" **mobile App** has been developed and made available in Google Play Store. This mobile app can also be used by the regular ESI doctors for documenting basic minimum health information.

d. The information on various ESI services were made available on '**UMANG**'



(Unified Mobile Application for New-Age Governance of MEITY) platform (“**ESIC-Chinta Se Mukti**” mobile App for the benefit of the beneficiaries. The beneficiary shall access to his eligibility status for different benefits under ESI Scheme in addition to empowering himself with the information about his contribution status, addresses of service provider locations, approaching ESI in case of requiring help or lodging a grievance, etc.

- e. A front-end user accessible application has been made available in [www.esic.in](http://www.esic.in) under ‘IP Portal’ for the relevant beneficiary under **ABVKY** (AtalBimitVyaktiKalyanYajona). Under this scheme an Insured Person (IP) who is rendered unemployed shall be entitled to get monetary relief at predefined rates and conditions.
- f. Insurance application of ‘Panchdeep’ was integrated with a number of Banks (IDBI, HDFC, ICICI, Axis, etc.) for **online payment of contribution** by the Employers using internet banking (Corporate & Retail). It saved time in terms of real time remittance of cash in contrast to the earlier provision of making payment only through SBI gateway for each of these banks.
- g. An application has been developed for registering IMP, empanelled Chemist and empanelled Diagnostic Centre under modified IMP (**mIMP**) scheme. This shall increase transparency and provide visibility of such private practitioners who shall partner with ESI Scheme for provisioning Health Care in areas where the Scheme can not

arrange its own infrastructure for logistic or other issues.

## PUBLICITY DIVISION IN EPFO

**19.3** The Publicity Division is the nodal desk of EPFO for dissemination of information on policy briefs, media coordination, print media advertising, audio visual advertising, printed publicity, exhibitions, outdoor publicity and likes

**19.4** The Publicity Division in this financial year has been quite active in spreading awareness about the initiatives taken by EPFO for ease of doing business, efficient service delivery and widening the reach of EPF benefits. Press releases were issued from time to time thereby bringing it to the knowledge of citizen about the development in EPFO. Digital media also carried out news articles on the basis of press releases issued by EPFO. Added to this, Press Conferences were held on the sidelines of major events like CBT meetings or launch of new facilities which facilitated good media coverage to the initiatives of the Organisation. Besides this, routine print advertisement were got published through DAVP.

**19.5** In 2018-19, a radio campaign on Pradhan Mantri Rozgar Protsahan Yojana (PMRPY) was carried out through NFDC. Two radio spots of 30 seconds each were aired on private FM channels and AIR for 15 days w.e.f from 27.11.2018 to 11.12.2018 across the country. The objective was the registration of workers with EPFO so as to have social security benefits and avail benefits under the PMRPY schemes in respect of generation of new employment.

**19.6** A full page color print advertisement was also got published in 73 newspapers across the country on 9<sup>th</sup> March 2019 under caption “Namumkin ab mumkin hi” highlighting initiatives and achievements of EPFO.



**Key communications highlighted in media through press release:-**

- Subscribers of the EPF Scheme would individually have two separate members account heads (a) fixed income where fixed annual interest gets credited to member's account (b) Equity (ETF) where investment in equity is reflected as units and the return is marked to market.
- Age-band wise estimate of all new subscribers as declared by the employers less the subscribers quitting job every month.
- Information about monthly contribution into their EPF accounts through e-passbook online, UMANG mobile and through miss call service.
- SMS/email to members (having registered mobile number against their respective Universal Account Number) in respect of whom contribution has not been deposited by the employer with EPFO for a given month in due time.
- Introduction of 'View Pension Passbook' services for the pensioners through UMANG app in addition to other e-services of EPFO available through UMANG app viz. view EPF passbook, raise claims, track claim, search establishment, search EPFO office, know your claim status, update JeevanPraman and few more.
- ECR validation tool for employers before uploading at Unified Portal which will facilitate employers to pre-validate the ECR and also carry out amendments in the ECR file before uploading on Unified Portal.
- 66<sup>th</sup> foundation day celebration of EPFO on 1<sup>st</sup> November 2018. Facility about "Claim Receipt Entry" at District offices, facility of online returns of International Workers and highlighting achievements on PMRPY besides informing that with 63 lakh pensioners, EPFO is the 21<sup>st</sup> largest pension fund globally as per Willis Towers Watson Report 2017

formed part of this press release.

- Key decisions taken by Central Board of Trustees, EPF.
- Recommendations of CBT for crediting of 8.65% rate of interest on the EPF accumulations in the EPF member's account for the year 2018-19
- Additional responsibilities assigned to District Offices that includes coverage and compliance, assessment of dues and damages, receipt and registration of claims, handling of grievances and recovery of assessed amounts in respect of establishments falling under the jurisdiction of the District Office.

#### **EPFO's Facebook and Twitter handle**

**19.7** Facebook and Twitter handle of EPFO were constantly used to share information with its stakeholders. EPF stakeholders were encouraged to register their grievance on <http://www.epfigms.gov.in>, the online internet grievance management portal of EPFO - EPFiGMS loaded with feature to track their grievance status. While responding to their queries, there were informed about the various online services available at EPFO website viz. UAN activation, facility to check claim status, KYC updation, know your EPF balance, transfer of previous PF account to current UAN by submitting transfer claim online through the unified portal for members.

**19.8** During 2018-19, these platforms were also used to highlight important meetings/events namely CBT, EPF meeting, Foundation Day celebration of EPFO and launch of PM-SYM by the Government. As on 31.3.2019, EPFO had 1,42,298 followers on its facebook page and more than 27,500 followers on twitter.

#### **Publicity through Calendars**

**19.9** 20,000 EPF calendars for the year 2019 were distributed in all offices of EPFO.

#### **Set-up of Call Centre for Stakeholders :-**

**19.10** During the entire process of allotment of UAN to EPF Members, it was anticipated that there would be a need for handholding in the process for both the employer as well as the employee who may be requiring assistance in the aspects such as uploading process of KYC, process for linking previous and current Membership, file for transferring, clarification on type of KYCs etc.

**19.11** Accordingly, a help desk was set up right from the initial stages of the launch of the program which has been found to be quite successful in addressing to all the queries raised during this period and has been instrumental in making the UAN program a success. The Help Desk can be approached either through the toll free number 1800118005 as well as through e-mail [uanepf@epfindia.gov.in](mailto:uanepf@epfindia.gov.in) and [employee@epfindia.gov.in&employer@epfindia.gov.in](mailto:employee@epfindia.gov.in&employer@epfindia.gov.in)

#### **New Initiatives**

##### **❖ Revamping of EPFiGMS.**

**19.12** The revamping of Grievance Redressal System of EPFO in under process i.e. EPFiGMS and Citizen Interface Module of EPFiGMS Version 2.0 has been operational w.e.f. 01.03.2019 for stakeholders and work on office module of EPFiGMS has been started by NIC.

**19.13** The revamped EPFiGMS 2.0 is loaded with several advanced features most important being:-

- Four major roles incorporated
- PF member
- EPS pensioner
- Employer
- Others
- OTP verification

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- Online lodging of grievance/complaint based on UAN
- UAN integrated with master data base of EPFO resulting in identification of EPF office for redress of grievance
- Grievance can be lodged for multiple PF numbers available in UAN
- PPO number validation/integration (for EPS pensioners) with centralised data base of EPFO
- Send reminder for pending grievance
- View status
- Provide feedback on redress of grievance
- Comprehensive categorization for identifying the grievance prone areas

- Now subscribers can upload more than one document

**19.14** Further, once a grievance is registered system generates a unique registration number and auto generates acknowledgement through SMS&email, there is ease of registration of grievance, faster redressal now after revamp and the interface is bilingual.

❖ **Call Centre**

**19.15** The Call Centre of EPFO was managed previously by IS Division. As per the directions of CPFC, CSD is managing the Call Centre since March, 2019.

**19.16** Toll Free Number 1800118005 and replying to emails received on [employeefeedback@epfindia.gov.in](mailto:employeefeedback@epfindia.gov.in) and [employerfeedback@epfindia.gov.in](mailto:employerfeedback@epfindia.gov.in). We have 16 lines on the Toll Free Number and all of them are manned by DEOs during working hours.



## CHAPTER-20

## VIGILANCE AND REDRESSAL OF PUBLIC GRIEVANCES

**20.1 Role and Functions of Chief Vigilance Officer**

**Background** – The Primary responsibility for maintenance of purity, integrity and efficiency in the organisation vests in the Secretary, Ministry of Labour and Employment. The Chief Vigilance Officer assists the Secretary in the discharge of his/her vigilance functions. The CVO acts as a special assistant/advisor to the chief executive and reports directly to him/her in all matters relating to vigilance. CVO heads the Vigilance Division of the Ministry and provides a link between Ministry and Central Vigilance Commission and also the Central Bureau of Investigation. The Chief Vigilance Officer is appointed with the prior consultation of Central Vigilance Commission and no person whose appointment in that capacity is objected to by the Commission can be so appointed.

The Vigilance functions of CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his/her organisation; investigating or causing an investigation to be made into verifiable allegations reported to him/her; processing investigation reports for further consideration of the disciplinary advice wherever necessary, taking steps to prevent commissioning of improper practices/misconducts, etc. It can broadly be divided into three parts – (i) Preventive vigilance, (ii) Punitive vigilance & (iii) Surveillance and detection.

**20.2 An over view of the performance during the year 2019****Punitive Vigilance**

**Complaints** – All the complaints received during

the year 2019-20 (till date) have been appropriately addressed.

**Departmental Proceedings** – One new case of Departmental Proceeding was initiated and one case has been finalised during this year. Sincere efforts were made to expeditiously finalise the pending Departmental Proceedings by issuing necessary directions to the concerned Inquiring Authorities.

**Prosecution Sanctions** - All the Prosecution Sanctions as sought by the CBI/ACB during the year were accorded. No Prosecution Sanction case is pending for more than three months.

**Preventive Vigilance** – Annual Property Returns submitted by the employees of the Ministry were properly scrutinised to deter the corrupt intent if any. All the intimations given regarding acquiring/disposing of the movable/immovable property were also properly examined in the light of known sources of income of the concerned employees. Vigilance Awareness Week was observed in the Ministry from 28.10.2019 to 02.11.2019. Officer and members of staff in the Ministry took an Integrity Pledge on 28.10.2018

A workshop for Inquiry Officers/Presenting Officers, Vigilance Officers of Attached/Subordinate Offices of the Ministry and Officers/Officials of the Ministry was organized on 30<sup>th</sup> October, 2019 in the Ministry wherein a resource person from CVC conducted sessions on general principles to conduct an effective enquiry, complaint handling mechanism and on preventive vigilance measures.



*Ministry of Labour & Employment***GRIEVANCE REDRESSAL IN MAIN SECRETARIAT**

**20.3** The Public Grievances are received in the Ministry mainly in two modes, viz. online through the **CENTRALISED PUBLIC GRIEVANCE REDRESS AND MONITORING SYSTEM (CPGRAMS)** portal (<https://pgportal.gov.in>) and also in off-line (physical) form from various sources. Of late, many aggrieved persons/parties are also raising their grievances to the Ministry through e-mail and social media.

**20.4** The work of Public Grievance redressal is given high importance by the Ministry and it is regularly reviewed at highest level of Secretary

(L&E). As per the report generated on 07/11/2019 in the CPGRAMS portal account of the Ministry, the average Disposal Time of the grievances received on PG Portal (CPGRAMS) by the Ministry of Labour and Employment for the period 01/01/2019 to 31/10/2019 is 11 days .

**20.5** Comparative, year-wise, figures of Public Grievances received and disposed of in the CPGRAMS portal by the Ministry of Labour and Employment and percentage of disposal of such Grievances during the period 2016 to 2019 (viz. from 01.01.2016 up to 31.10.2019) are shown at the **Table-PG.1**.

**Year-wise break up of Public Grievances received and disposed of in the online CPGRAMS portal (<https://pgportal.gov.in>) by the Ministry of Labour and Employment during the period 2019-2020 (from 01.01.2016 to 31.10.2019)**

**Table-PG.1.**

Sl. No.	Year/ Period	No. of Grievances brought forward from previous year	No. of Grievances received during the year/ period	Total No. of Grievances received for the year/ period (col. 3+col.4)	Cases disposed off during the year/ period	Cases pending at the end of the year/ period (col. 5 -col.6)	Percentage of Disposal (col.6 / col.5 ) x 100
1.	01.01.2016 to 31.12.2016	27	24343	24370	23294	1076	95.58%
2.	01.01.2017 to 31.12.2017	1076	32990	34066	32637	1429	95.80%
3.	01.01.2018 to 31.12.2018	1429	35093	36522	35343	1179	96.77%
4.	01.01.2019 to 31.10.2019	1177	38739	39916	38660	1256	96.85%

**(\*) N.B: 1. The above figures are as per reports generated on 10.04.2019 in the CPGRAMS Portal account of the Nodal Public Grievance Office of the Ministry.**

**2. The figures shown in the reports generated in the CPGRAMS portal are dynamic in nature, i.e. some of these figures may change slightly from time to time depending on the date and time of generation of the reports due to various factors/technicalities.**

## REDRESSAL OF PUBLIC GRIEVANCES IN EMPLOYEES' STATE INSURANCE CORPORATION (ESIC)

**20.6** In pursuance of the instructions issued by the Directorate of Public Grievances, Govt. of India, the corporation is making all out efforts for qualitative and speedy redress of Public Grievances. The corporation monitors Public Grievances received through various quarters viz. Insured persons, there family members, Employers/Employees' Associations, Employees Union, MPs/MLAs/VIPs etc. through a network of Public Grievance officers posted in all the offices of the Corporation. Grievances received from the Prime Minister's Office and the Cabinet Secretariat are directly monitored by a senior in the Hqrs. Office for effective and timely redressal.

**20.7** The monitoring of Public Grievances received in the Regional Offices, Sub- Regional Offices, ESI Hospitals/Dispensaries is being done by the designated Public Grievances Offices. Apart from this, SuvidhaSamagam/Open house meetings are being conducted in the respective Regions/Sub-Regions/Branch offices level at regular intervals in the presence of senior officers of the Corporation and representatives of trade unions and employer's representatives. Such meetings are generally presided over by the Regional Director/Director (I/C) of Sub-Regional Office or a senior officer to redress the grievances across the table, wherever it is possible.

**20.8** In the states, where the ESI Scheme has been implemented, the grievances relating to the medical benefits are being taken up with the State Govt. Authorities by the Regional Directors for timely redressal of grievances. The corporation conducts workshops and seminars on Public Grievances for its officers & staff. Instructions, circulars and other important information are also uploaded on the website.

**20.9** The Toll free helpline number 1800-11-2526 has been installed, which is functional for 7 days

round the clock. ESIC has also launched a new Medical toll free helpline 1800-11-3839 which is functional round the clock on all days.

**20.10** The status detail of the PG received on CPGRAM portal and redressed by ESIC from 01.04.2019 to 31.10.2019 are as under: -

1	Unsettled grievances pending as on 31.03.2019	195
2	Grievances received from 01.04.2019 to 31.10.2019	2328
3	<b>TOTAL</b>	<b>2523</b>
4	Grievances settled during the period from 01.04.2019 to 31.10.2019	2236
5	Unsettled grievances are on 31.10.2019	287
6	Number of grievances pending for more than 15 days	168(out of 287)

## 20.11 VIGILANCE ACTIVITIES IN ESIC

Vigilance Branch of ESI Corporation implements policies, instructions and guidelines from Central Vigilance Commission in regard to eradication of corruption, undertakes various preventive and punitive vigilance activities including investigation on the complaints received through Central Vigilance Commission and through other sources involving vigilance angle and initiates departmental action against the officials of the Corporation who indulge in corrupt practices and misconducts as defined in the ESIC (Staff & Conditions of Service) Regulations, 1959. The Vigilance Division in the Hqrs office is headed by the Chief Vigilance Officer assisted by an Additional Commissioner and other Officers. Four Zonal Vigilance Offices and four Zonal Inquiry Offices (Departmental Inquiry) are located at Delhi, Mumbai, Chennai and Kolkata. There is also a Medical Vigilance cell under which several Medical Vigilance Officers of various ranks are

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functioning who are responsible for carrying out inspection/investigation related to Medical related issues, checking of SST payments etc. Investigation of the complaints are undertaken by the Zonal Vigilance Officers and MVOs, and the departmental enquiries are conducted by the Zonal Inquiry Officers (Departmental Inquiry) and by other Officers appointed/empanelled as Inquiry Officers by Disciplinary Authority. As a preventive measure, Zonal Vigilance Units and Medical Vigilance officers posted in various states, conduct periodical and surprise inspections of ESI Offices i.e. Regional Offices, Sub Regional Offices, Branch Offices, Hospitals and Dispensaries etc. falling in their respective jurisdiction. The Zonal Vigilance Officers also carry out Test inspections of Employers registered under ESI Act to examine correctness of Inspections conducted by SSOs.

The status in respect of various activities accomplished by vigilance division during the period 01/04/2019 to 31/10/2019 are as follow

1. During this period, penalty orders were passed in **73** Disciplinary cases, out of which **14** orders were passed from Hqrs. Office.
2. During the period, total **96** Charge Sheets were issued, out of which 07 Charge Sheets were issued from Hqrs. Office.
3. During this period, **12** appeal cases were received from various appellants and **3** orders passed including previously received appeals.
4. **34** Complaints involving vigilance angle were disposed off during the period under report.
5. All the quarterly suspension review meetings have been held in time.
6. **3213** property returns have been scrutinized.
7. Monthly, quarterly and annual returns to Central Vigilance Commission have been sent timely.
8. During this period, **3** prosecution sanction cases were received and sanction were granted within prescribed time limit in all the cases.
9. No. of inspection conducted by Zonal Vigilance Offices during the period are 39.
10. Omitted wages amounting to **Rs. 10,19,928/-** Were detected by the Zonal Vigilance during this period.
11. Scrutiny of Super Specialty Treatment bills was done by Medical Vigilance Officers and excess payments amounting of **Rs. 68,09,893.00/-** recovered during the aforesaid period.
12. ESIC featured in the compilation of best practices on "Preventive Vigilance" released by CVC of India on 30/10/2019.
13. Vigilance Awareness Week was organized from **28.10.19 to 2.11.19** in all the offices of the Corporation across the country. On this occasion various activities as per the guidelines of the CVC were organized in all the offices of ESIC throughout the country. In Hqrs Office, New Delhi also various activities including quiz competition, a lecture series on the topics "Integrity-A way of life" and "Procurement Issues" by the CVO, ESIC and CTE, CVC respectively was organized.

**Vigilance Division, EPFO**

**20.12** To ensure transparency, efficiency and integrity in administration, the EPFO's Vigilance Division has adopted a multipronged strategy of preventive vigilance measures to contain, control and curb corruption in order to ensure prompt, effective and hassle-free service to its subscriber members.

**20.13** As the Organization grew larger with an ever increasing subscribers' base, its functions became more diverse and had to cope with the

increased quantum of service delivery responsibilities and consequently its accountability also grew manifold. In these circumstances the role of Vigilance wing became ever more crucial. The Vigilance Division in EPFO is headed by a Joint Secretary level Chief Vigilance Officer at the Headquarters in New Delhi. It has four Zonal Vigilance Directorates headed by Deputy Director (Vigilance), located in Hyderabad, Mumbai, Kolkata and New Delhi to monitor effective implementation of preventive vigilance measure in a proactive manner.

## **I Preventive Vigilance**

- **Development of Software Tool for identification of multiple payments to single bank account**

It served not only to prevent fraud by identifying potential cases but also detect past instances of fraudulent multiple payments to single bank account.

- **Introduction of Concurrent Audit System**

In this, transactions involving members with a major change in their profiles, high value claims, inoperative accounts etc, are re-audited to verify correctness of such transactions.

- **Intimation of non-deposit of contribution to members**

To bring more transparency, intimation are sent via SMS to those EPF members in respect of whom contribution has not been deposited by the employer for a given month in due time.

## **II Punitive Vigilance**

- **Complaints**

1452 new complaints were received during 2018-19 along with an opening balance of 6 carried forward from previous year (Total

number of complaints: 1458). Out of these 1458 complaints, 1407 were disposed during the year while 51 remaining pending at the end of the year.

- **CVC's 1<sup>st</sup> and 2<sup>nd</sup> stage advice**

During last year 2 CVC- 1<sup>st</sup> Stage advice (major & minor penalty) were received while 6 CVC- 1<sup>st</sup> Stage advices (major & minor penalty) pending at the beginning of the year. Out of these 8 cases, 3 cases have disposed, leaving behind a pendency of 5 cases. Similarly, there were 6 CVC 2<sup>nd</sup> stage advices pending at the beginning of the year and during the year 6 CVC 2<sup>nd</sup> stage advice had been received. Out of these 12 cases, 10 cases were disposed while 2 cases remain pending at the end of year.

- **Disciplinary proceedings initiated**

4 new Disciplinary Proceedings were initiated during the year. All of these were major penalty proceedings.

- **Disciplinary proceeding finalized**

30 Disciplinary Proceedings were finalized during the year. Out of these 29 were major penalty proceeding and 1 was minor penalty proceedings.

- **Prosecution Sanctions accorded**

5 cases of Prosecution Sanction were accorded during the year 2018-19.

## **III Surveillance & Detection**

- **Coordination meeting with CBI/ACB**

Coordination meetings were held with CBI/ACB and the Agreed List was prepared and the ODI list was updated.

- **Vigilance Awareness Week-2018 was observed from 29.10.2018 to 03.11.2018 in all the EPFO Officers on the theme**



*Ministry of Labour & Employment***“Eradicate Corruption – Build a New India.”**

The following activities were undertaken during the week:

- o About 31637 citizens took integrity e-pledge during the VAW activities and events organized by the EPFO across the country.
- o As a part of the Outreach program, different activities were conducted in various Schools and Colleges across the country, competitions such as Essay writing, Elocution, Slogan writing, Debate, Poster making, Panel discussion etc. were organized in about 146 schools and 54 colleges in 119 cities. About 19984 students participated in these activities.
- o Banners/Posters reflecting the theme of VAW – “Eradicate Corruption - Build a New India” were displayed during the week in all administrative office of EPFO and at prominent Public places like Petrol Pumps/ Railway Station/ Banks Airport etc. Handouts/ Pamphlets were also distributed manually while the message of “Eradicate corruption” was spread through - mail to all establishments/members of the EPFO.
- o To spread awareness in rural areas, 1478 ‘Awareness Gram Sabhas’ were organized by many offices of EPFO.
- o Various activities/competitions such as Essay writing, Elocution, Slogan writing, Debate, Poster making, Panel discussion etc. focusing upon the theme of VAW-2018, i.e. “Eradicate Corruption - Build a New India”, were organized in all EPFO Offices in which around 1564 EPFO employees participated.

**REDRESSAL OF PUBLIC GRIEVANCES IN EPFO****CUSTOMER SERVICE & GRIEVANCE REDRESSAL MECHANISM**

**20.14** The organization, in tune with its objectives, lays strong importance to customer service and the redressal of grievances of the members of the fund. The Customer Services Division existing in the Employees’ Provident Fund Organisation, Headquarters, New Delhi and field formations in 21 Zones. 135 Regional Offices ((100 Regional Offices Headed by RPFC-I and 35 Regional Offices Headed by RPFC-II) across the country are equipped with full-fledged Facilitation Centers, PROs and supporting staff with an aim to provide quality service to all stake holders of the organisation.

**20.15** There is three-tier organizational structure of Customer Service Division for handling and redressal of public grievances. At the Head Office level, this division is headed by Additional Central Provident Fund Commissioner, H.Q. and assisted by Additional Central Provident Fund Commissioner, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioner and Public Relation Officer.

**20.16** The Regional Provident Fund Commissioner of the regions head the Customer Service Division in their respective offices and they are available for redressal of the grievance of the Members on all working days. Each field office has a full-fledged facilitation center and is manned by a Public Relation Officer.

**20.17** Apart from this all Additional Central Provident Fund Commissioners in twenty one Zones in the country monitor the grievance handling system and attend grievances pertaining to offices under their jurisdiction.

**20.18** The Regional Provident Fund Commissioners, closely monitor the receipt and disposal of grievances with an aim to redress the grievances promptly in their offices and to improve service to EPFO’s customers. The nodal officer



in each office is responsible for ensuring that grievances pertaining to that office are redressed immediately so that the overall grievances are minimized. He/she is also personally responsible for any inordinate delays in redressal of grievances in his/her respective office.

**20.19** The grievances are raised by the subscribers and employers themselves and besides these are also referred to EPFO from the office of the Hon'ble Prime Minister, Labour Minister, cabinet secretariat, People's representative etc.

Public Grievances are received through the following modes:-

- Online on internet based Portals.
- By post/email
- In person/by phone

**20.20** The **Grievances** received primarily relate to following areas:

- Non Transfer of PF Accumulations.
- Final PF Withdrawal
- KYC related issues of Subscriber pertaining PF Office.
- Claim settled but amount not credited in member's bank account.
- Non Settlement of PF Advance claim.

**20.21** All grievances received in the Customer Service Division are registered into a computerized system (EPFiGMS) and acknowledgement is sent to the member by email & SMS. Thereafter grievances are sent to the field offices to which they relate to, for redressal. Grievances are monitored on regular basis with system support.

**20.22** Comprehensive policy guidelines have been issued from time to time reiterating

commitment to improve service standards in the EPFO and they are being monitored intensively by the Head Office and the Zonal offices. Quality of grievance handling also counts substantially towards performance appraisal.

### ONLINE REGISTRATION AND REDRESSAL OF GRIEVANCES

**20.23** The facility of online registration of public grievances and their redressal is available on the following internet based grievance handling systems:-

- Using the EPF Internet Grievance Management System (EPFiGMS) in portal available on EPFO website. ([www.epfindia.gov.in](http://www.epfindia.gov.in)).

**20.24** EPFiGMS launched in 2010 is an internet based grievance management system that has been developed by CSD in collaboration with the NIC, and is customised to the needs of the Organisation. The EPFiGMS has been developed with a view to provide a single window platform that is able to record, acknowledge and track/monitor grievances till its final redressal.

**20.25** The details of grievances received and redressed during the last two years are given below:

	2018-19	2017-18
Grievances pending at the beginning of the year	3272	2254
Received during the year	645040	423430
<b>Total</b>	<b>648312</b>	<b>425684</b>
Disposed off during the year	643097	422412
Balance at the end of the year	5215	3272
<b>Percentage of Disposal</b>	<b>99.19</b>	<b>99.23</b>

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- Using the Centralized Public Grievance Redressal and Monitoring System (CPGRAMS) in PG portal of Govt of India. ([www.pgportal.gov.in](http://www.pgportal.gov.in)).

**20.26** CPGRAMS is a program developed and executed by the Department of Administrative Reforms & PG (DARPG) under Ministry of Personnel, PG & Pension, Government of India, has been successfully implemented in the Organisation. All the offices are regularly using CPGRAMS to monitor & redress the grievances.

**20.27** In addition to grievances registered under EPFiGMS, 23,917 grievances were registered with CPGRAMS Portal of the Department of Administrative Reforms & PG (DARPG) under Ministry of Personnel, PG & Pension, Government of India. Out of these 23,917 grievances, 23,683 cases were disposed off during the year and

Out of 234 cases were pending as on 31.03.2019. None of grievances was pending beyond 30 days.

**20.28** Now, the system has not only afforded convenience to subscribers to register their grievances/queries without any spatial or temporal restrictions but has also proved to be of immense value to field offices in managing grievances. Subscribers can now access the system from anywhere according to their convenience.

**20.29** EPFiGMS is loaded with several advanced features; most important being that movement of registered grievances guided by database which tracks the registered grievance to any of the offices to which it might be related. Once a grievance is registered, system generates a unique registration number and auto generates acknowledgement letter directly to the subscribers email (if provided).

## CHAPTER-21

### INTERNATIONAL COOPERATION

#### INDIA AND INTERNATIONAL LABOUR ORGANISATION (ILO)

**21.1** India is one of the founder members of International Labour Organization since its existence in 1919 and has been a permanent member of the ILO Governing Body since 1922. At present the ILO has 187 Members. A unique feature of the ILO is its tripartite character. At every level in the organization, Governments are associated with the two other social partners, namely, the workers and employers. The three organs of the ILO are (1) International Labour Conference - General Assembly of the ILO that meets every year in the month of June, (2) Governing Body - Executive Council of the ILO that meets three times in a year in the months of March, June and November and (3) International Labour Office - a Permanent Secretariat.

**21.2** ILO is financed mainly by contribution received from the member states. The ILO follows the calendar year for Budget purpose and annual contributions are paid by the Governments of the member states according to a scale, which the International Labour Conference on year-to-year basis fixes, in line with the U.N scale of assessment. **For the year 2020, India's share of contribution is SF 3,297,823 works out to Rs. 24,17,57,798/- in Indian currency. The annual contribution to ILO is paid in time by Government of India. The total Budget of ILO is SF 392,877,422.**

**21.3** India and ILO have an enduring and vibrant relationship which is marked by close and dynamic cooperation over the years. India has significantly contributed to the achievement of

ILO's objectives, its thought processes, deliberations and style of functioning,

#### Ratifications by India

**21.4** India has ratified 47 Conventions which includes six core or fundamental human rights Conventions like Forced Labour Convention (C-29), Equal remuneration Convention (C-100), Abolition of Forced labour Convention (C-105), Discrimination (Employment & Occupation) convention (C-111), Minimum Wage Convention, 1973 (C-138) and Worst Forms of Child Labour Convention, 1999 (C-182) and three priority/governance conventions such as Labour Inspection Convention (No. 81), Employment and Social Policy Convention (No. 122) and Tripartite Consultations (International Labour Standards).

#### 108<sup>th</sup> Session of the International Labour Conference

**21.5** The 108<sup>th</sup> Session of International Labour Conference (ILC) of ILO was held from June 10, 2019 to June 21, 2019 in Geneva. A high level tripartite delegation led by Shri Santosh Kumar Gangwar, Hon'ble Minister of State (Independent Charge) for Labour & Employment attended the 108<sup>th</sup> Session of the International Labour Conference. Besides officials from the Ministry of Labour & Employment, the delegation included 17 representatives from the Workers' (Central Trade Union Organisations) and the Employers' (Central Employers Organisation) sides in the ILC. The Indian delegation to 108<sup>th</sup> ILC also included Hon'ble Labour Minister from Bihar.

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## 21.6 Agenda of the Conference and Items placed on the agenda by the Conference

### Standing items

- I. Reports of the Chairperson of the Governing Body; and Report of the Director-General: the Director-General's submits for discussion in plenary in 2019, the Report of the Global Commission on the Future of Work entitled Work for a Brighter Future.
- II. Programme and budget proposals for 2020-21 and other questions
- III. Information and reports on the application of Conventions and Recommendations

## 21.7 Items placed on the agenda by the Conference or the Governing Body

- IV. ILO Centenary outcome document
- V. Violence and harassment in the world of work (standard-setting, second discussion)
- VI. Thematic debates and events connected to the Future of Work, including various Centenary Initiatives

### Plenary Session

**21.8** Speaking at the Plenary Session of the International Labour Conference on 14th June 2019, Labour and Employment Minister, Shri

Santosh Kumar Gangwar congratulated ILO for successful completion of 100 years and reiterated India's commitment to labour welfare. He mentioned that India is making continuous efforts to realise the workers' right to minimum wages, social security, equal wages for equal work, and decent working conditions. He informed that in order to realise these goals, an exemplary exercise has been initiated by India for transforming existing labour laws into 4 labour codes. He also talked about the recently launched world's largest pension scheme for 400 million unorganized workers in India.

**21.9** He stressed that there was a need to rejuvenate the 100-year-old ILO so that it is prepared to effectively coordinate with all the member countries. He added that ILO could play an important role to provide the necessary facilities to the workers and in order to build a global workforce, the ILO would have to act as a coordinating organization that works in partnership with other multilateral forums.

### Committee Wise Discussions:

#### [A] Committee on Application of Standards

**21.10** The Committee on the Application of Conventions and Recommendations (CEACR) deals with information and reports on the application of Conventions and Recommendations. Amongst others, Shri. Heeralal Samariya, Secretary (L&E), MoLE, Shri Rajiv Chander, Ambassador, PMI Geneva represented the country in this Committee. India presented its case on Convention 81 concerning Labour Inspection Convention.

**21.11** The Committee noted the observations made by the Centre of Indian Trade Unions (CITU) received on 14 March, 2018 and desired to know whether the proposed new legislation i.e. Wage Code and OSH Code ensure free initiative of labour inspectors to enter workplaces without prior notice, total number of violations detected

and statistical information on labour inspections in all SEZ's, and the Central/ State spheres and number of inspectors at the State and Central level.

**21.12** Shri Heeralal Samariya, Secretary (L&E) informed the Committee that the Government was in the process of providing every worker "the right of sustenance" by universalization of right to get wages not less than minimum wages to 500 million workers in India. He emphasized that the proposed labour codes did not compromise the powers of the inspector. The proposed labour codes introduce jurisdiction-free inspection, which is a step in furtherance of unannounced inspections as with this concept in place, no establishment would be able to have prior information about the timing of inspection or the identity of the inspector.

**21.13** Addressing the specific issue of inspections in Special Economic Zones raised by the Committee, he informed that there has been no dilution in the implementation of labour laws in SEZs, specifically when it came to labour inspections. The statistical data on inspections in SEZs clearly indicated that the number of inspections conducted in SEZs increased substantially in the last three years.

**21.14** Secretary (L&E) in his concluding remarks said that substantial evidence has been provided to indicate that the provisions of Convention 81 were implemented and the enforcement mechanism prevalent in India, including SEZ was not in violation of the provisions of the articles of Convention 81. He added that substantive issues raised in the case have been adequately responded by the Government of India in series of communications since the year 2015 and requested for closure of the case.

**21.15** The Committee on the Application of Standards, in its concluding remarks, invited the Government of India to accept a Direct Contact Mission before the next ILC and to elaborate a

report in consultation with the most representative 'employers' and 'workers' organisations on progress made in the implementation of the convention in law and practice to the Committee of Experts. The Indian delegation, however, felt that the conclusions are not reflective of the discussions held and hence was not in a position to accept the conclusions of the Committee.

### **[B] Committee on Whole**

**21.16** The Committee on Whole discussed the Outcome Document i.e. the ILO Centenary Declaration for the Future of Work. India in its opening remarks, expressed its agreement with the proposed Outcome Document, but suggested that the Outcome document should address and emphasize certain key aspects like employment generation, elimination of child labour, human trafficking, and bonded labour. The document should also suggest ways of improving labour law implementation mechanism with respect to new forms of employment. Reforms in the governance and functioning of ILO should also be reflected in the Outcome Document. It was emphasized that while framing the outcome document, the differences between the member countries should be respected and reflected by accommodating national interests. India was the member of the Drafting Group of the Committee on Whole and deliberated on the amendments proposed by the Workers, Employers and Member States to the Outcome Document.

### **[C] Standard Setting Committee: Violence and Harassment in the World of Work (second discussion)**

**21.17** The Standard Setting Committee discussed the draft instrument on "Violence and Harassment in the World of Work". The first discussion on this instrument was carried out during the ILC, 2018. Shri Devender Singh, Economic Adviser, MoLE represented India in this Committee.



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**21.18** India in its opening remarks at this committee meeting, expressed support for a specific and well defined instrument with respect to the issue of eliminating violence and harassment in the world of work. It was stressed that not only domestic violence, but every form of violence occurring in the society is related indirectly to the work and productivity of the organization and worker. However, to what extent can the players in the world of work play an active role in eliminating domestic violence, when it is already being tackled by a separate national legislation needs to be deliberated. India proposed a number of amendments to the Draft instrument.

**21.19** The proposed ILO Convention and Recommendation on Violence and Harassment in the World of Work after discussion and finalisation in the Committee was placed for voting in the Plenary of the ILC on 21<sup>st</sup> June 2019. The instruments were adopted in the ILC as two thirds of the members voted in favour of their adoption.



#### **[D] Finance Committee**

**21.20** The Committee adopted the Programme and Budget for 2020-21. India voted in favour of the adoption of the Programme and Budget for

2020-21 and the allocation of the budget of income among member States. India also voted in favour of granting permission to vote to Somalia and Sierra Leone in ILO.

#### **[E] Thematic Sessions**

**21.21** Hon'ble Minister of Labour and Employment addressed the gathering on the occasion of World Day against Child Labour, during the thematic forum on 'Together for a brighter future without child labour', in Geneva on 13<sup>th</sup> June 2019. Speaking on the occasion, he said that "Children are our future, hence we should do everything in our capacity to provide a strong foundation to our children in terms of education and health and build a strong human capital". He urged ILO and its forums to create an international platform for tackling the problem of child trafficking along with child labour, as the two are inter-related.

**21.22** He reiterated India's commitment to eradicating child labour and highlighted the initiatives taken by the Government of India in this sphere including the amendment in the Child Labour (Prevention and Protection Act), National Child Labour Programme, ratification of ILO Conventions on Child Labour and launch of the PENCIL Portal.



*Side-line Meetings during 108<sup>th</sup> session of ILC*

#### **NAM Ministerial Meeting**

**21.23** At the NAM Ministerial Meeting held on 17<sup>th</sup>

June 2019, Secretary (L&E) emphasized that the transformative changes brought about by the emergent technologies of the 21st Century present opportunities to undertake coordinated efforts to enhance productivity and job quality in the different sectors of production, especially the Service Sector. With regard to the ILO Supervisory system, he emphasized the importance of objectivity, transparency, and impartiality in its processes. He stressed that drawing up of the lists of individual cases should satisfy the criteria of balance between fundamental and technical Conventions, between developed and developing countries, and between regions.

### **G20 Labour and Employment Ministers' Meeting**

**21.24** At the G20 Labour and Employment Ministerial Meeting held on 18<sup>th</sup> June 2019, Secretary (L&E) suggested that active international labour migration in all sectors from countries having a higher share of youth population to G20 countries experiencing population aging should be promoted in order to take advantage of G20 countries being at different demographic variances. He highlighted the importance of having a high female labour force participation rate and suggested various potential ways of promoting it. He highlighted the necessity of greater involvement of social partners to get to the core of the issues associated with new forms of work. He concluded by emphasizing that the various policy recommendations adopted by G20 should focus on employment generation for the workforce which was the genesis of constitution of Employment working Group.

### **ASPAG Ministerial Meeting**

**21.25** In the ASPAG Ministerial Meeting, Secretary (L&E) said that ASPAG's combined efforts could drive the new technologies of the fourth Industrial Revolution towards a human centred approach, and that the member nations need to support each other with skilling initiatives.

He stressed on signing of bilateral social security agreements among ASPAG countries. He added that ASPAG needed to push for fair migration through appropriate provisions for Social Security and Wages as a global agenda. He pointed out that the ASPAG nations accounted for 60% of the total global workforce, which warranted a need for more representation of ASPAG countries at the decision-making level in international organisations such as ILO and other multilateral forums.

### **335<sup>th</sup> Session of the Governing Body, International Labour Organization at Geneva**

**21.26** The 335th Session of the Governing Body (GB) of the International Labour Organisation was held from 14-28 March, 2019 in Geneva. The Indian delegation, led by Shri Heeralal Samariya, Secretary (L & E) participated in the Governing Body meeting along with officers from Permanent Mission of India in Geneva. Shri Ram Kumar Gupta, Joint Secretary, Mrs. Anita Tripathi, Deputy Secretary and Ms. Kamini Tandekar, Deputy Director, Ministry of Labour and Employment were the other members of the delegation.

### **21.27 The agenda of 335<sup>th</sup> Session of the Governing Body**

#### **Policy Development Section**

#### **Revisiting the plan of action on labour migration governance in consideration of the Global Compact for Safe, Orderly and Regular Migration**

**21.28** The intervention on this agenda item was delivered by Secretary (L & E). He emphasized that the global compact is a legally non-binding cooperative framework, based on a common understanding, shared responsibilities and international solidarity. He emphasized that there should be a strong mechanism for the portability of social security entitlements and social security agreements between countries should be signed.

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**21.29** He pointed out that the Government of India provides access to basic social welfare needs for regular migrant and ensures that their basic needs are met. The portability of social security entitlements like provident fund or pension benefits enable migrant workers to preserve, maintain and transfer benefits from a social security program from one country to another. He also stressed that social Dialogue and tripartism should be encouraged to understand the issues, problems and challenges faced by the migrant workers.

**Strategic Plan for engagement with United Nations system bodies and the relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989.**

**21.30** The Indian delegation supported the idea of organizing a dedicated dialogue to mark the 30th anniversary of the Convention No 169. The Indian delegation pointed out that the tentative action plan incorporated important dimensions of dissemination of relevant material, continuous dialogue with UN bodies, improving coherence with UN and most importantly building common methodology and training material for joint training activities. It was suggested that more understanding and dissemination of UN guidance material and existing mechanisms amongst member states could be incorporated. Further, a comparative evaluation of strategies provided under UN and ILO instruments for safe guarding the rights of the indigenous people should be done by to establish linkages and avoid duplication of efforts.

**Programme, Financial and Administrative Section**

**Composition and structure of the ILO staff**

**21.31** The intervention in this session was delivered by First Secretary, Permanent Mission of India. He emphasised that greater geographical

diversity in ILO staff at all levels, including at the top, is necessary for ensuring the international character of the organization commensurate with its responsibilities. It was pointed out that as per the UN Joint Inspection Unit report of 2012, there was a case to revise the ILO formula for calculating the desirable range, which was based solely on Member States assessed contributions unlike that within the rest of the UN system. The Office was requested to provide information, on a regular basis, on how the objective of geographical diversity was being progressively realized.

**Matters relating to the Administrative Tribunal of the ILO: Composition of the Tribunal**

**21.32** India in its statement reiterated that we are for systemic reforms in ILO during the centenary year by bringing more transparent and specific rules for appointments and renewal of the terms of posts in the organization to ensure balanced representation in terms of geographical regions and gender. India supported the draft decision point.

**Institutional Section**

**Agenda of the International Labour Conference: Agenda of future sessions (2020 and beyond) of the Conference**

**21.33** The Indian Delegation in its statement indicated that the last slot for Conference session 2020 be decided after the course of discussions in the ILC 2019. “Apprenticeships” has been included as a standard setting agenda item for discussion in the conference session 2021. The agenda item on “Decent Work in the World of Sport” and “Non-standard forms of employment” be considered for discussion in conference session beyond 2020.

**Arrangements for the 108th (Centenary) Session of the Conference**

**21.34** The delegation in its intervention appreciated the efforts of ILO for the development

of a more comprehensive Conference website and a new online tool for the submission of amendments in the committees. The delegation suggested that there should be one common format for all the thematic discussions so that there is more clarity and encourages greater participation.

**21.35** The delegation supported the discussion on the themes- Future of Youth, Employing technology for a future with decent work, Formalization work for social inclusion, Harnessing the transformative potential of changes in the world of work, Skills and life-long learning and stressed that all the theme should have specific gender component. It was also suggested that apart from summary for record; key takeaways should be listed from each of these thematic discussions.

#### **Agenda of the International Labour Conference: Outcome document of the 108<sup>th</sup> (Centenary) Session of the Conference**

**21.36** The Indian delegation stressed that the Centenary Declaration should set the long-term strategic direction and focus for the ILO and should promote and build on the previous outcome documents. At the same time, the document should also reflect on how ILO's existence and functioning can be strengthened, made transparent, and ensure balanced participation of various countries, regions, gender, groups, languages etc. in furthering the cause of the organization.

#### **Decent work for sustainable development**

**21.37** The intervention on this agenda item was delivered by Secretary (L & E). He pointed out that it was essential to build an inclusive society to ensure sustainable development and growth. Unequal access to opportunities may give rise to income inequalities and gender inequality in a country. He suggested that ILO could contribute in providing a platform for promoting youth to

undertake apprenticeship in different countries and enhance their capabilities to become a productive member of global workforce. This could be a component of ILO development cooperation on skills development and global skills partnerships.

#### **Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference of its 102<sup>nd</sup> Session(2013)**

**21.38** The Indian delegation in its intervention welcomed the signature of Myanmar's first ever Decent Work Country Programme (DWCP) for the period 2018-21 in September 2018 and the finalization of the Myanmar Strategic Development Plan (MSDP) 2018-2030 in August 2018, both developed through dialogue with the social partners and in pursuit of the UN 2030 SDG Agenda incorporating many key elements of the Decent Work Agenda.

**21.39** India supported Myanmar's continued cooperation and constructive engagement with ILO. It was stressed that the ILO and the international community should constructively engage with and fully assists and extend all technical assistance to the Government of Myanmar in its efforts to help realize its overall national economic and social policy objectives by promoting decent work and eliminating forced labour.

#### **Legal Issues and International Labour Standards Section(LILS)**

#### **Proposed form for reports to be requested under Article 19 of the ILO Constitution in 2020**

**21.40** The delegation in its intervention pointed out that care work is rarely valued, and is typically invisible. The care professions have a challenge of inadequate regulation and are often subject to poor working conditions in terms of pay and excessive hours of work. The care providers are mostly women, especially those from migrant and



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minority communities who bear the brunt of poor working conditions. The suggestion was noted by the office and accordingly changes were incorporated in the form.

#### **Meeting with Mrs. Beate Andrees, Chief of ILO Fundamental Principles and Rights at Work on 26th March 2019.**

**21.41** Ms. Beate Andrees, Head of the ILO Fundamental and Principles and Rights at Work Branch, ILO, Geneva met Secretary (L & E) on March 26, 2019. She suggested that India should also become member of Alliance 8.7. On the issue of 'Modern Slavery', Secretary (L&E) pointed out that ILO in association with Walk Free Foundation and International Organisation for Migration (IMO) has come out with a report on 'Global Estimates of Modern Slavery: Forced Labour and Forced Marriages 2017'. He stressed that the term 'Modern Slavery' was not defined in ILO instrument. He also stated that the culture and tradition in countries are different which the report does not account for. She pointed out that ILO does support the Report brought out by Walk Free Foundation. It was decided to have a meeting in India to decide on the future course of action on this matter.

#### **337<sup>th</sup> Session of the Governing Body**

**21.42** The 337<sup>th</sup> Session of the Governing Body (GB) of the International Labour Organisation was held from 24<sup>th</sup> October- 7<sup>th</sup> November, 2019 in Geneva. The Indian delegation, led by Shri Heeralal Samariya, Secretary (L & E) participated in the Governing Body meeting along with officers from Permanent Mission of India in Geneva. Ms. Vibha Bhalla, Joint Secretary, and Ms. Kamini Tandekar, Deputy Director, Ministry of Labour and Employment were the other members of the delegation.

#### **Policy Development Section**

#### **The ILO's response to HIV and AIDS: Accelerating progress for 2030**

**21.43** Ms. Vibha Bhalla, Joint Secretary, emphasized that the role of the of the ILO tripartite constituents is essential for the HIV/AIDS response to be comprehensive and impactful. Important steps taken by Government of India in this area were highlighted. It was mentioned that as a first step in this direction, Ministry of Labour and Employment together with Ministry of Health and Family Welfare and ILO has formulated a Policy Framework to address Tuberculosis, TB related co-morbidities and HIV in the World of Work in India. Developed through a national consultation process, the policy framework provides a set of guidelines to address the TB in the world of work and within the framework of the National Policy on "Prevention of HIV/AIDS in the world of work".

**21.44** It was emphasized that the role of social partners is very important in the area of HIV/AIDS and World of Work. Active involvement of Employers' Organisation in awareness movement could lead to elimination of stigma & discrimination for the people living with HIV and would also address the protection of workers becoming unacceptable for work.





## **Programme, Financial and Administrative Section**

### **Matters relating to the Administrative Tribunal of the ILO- Proposed Amendments to the Statute of the Tribunal**

**21.45** India in its statement stressed that a transparent and participative mechanism is warranted in seeking nominations and making appointments in the ILO Tribunal as it would enhance the transparency and credibility of the organization. As per Article III of the Statute, the tribunal shall consist of seven judges of different nationalities and appointed by the International Labour Conference for a period of 3 years. In an organization with 187 Member States it is imperative that new nationalities especially those unrepresented and underrepresented from Africa, Asia-Pacific and GRULAC, be given an opportunity.

**21.46** Further, it was stressed that a transparent and consultative nomination and appointment mechanism should be provided for, preferably in the statute itself in order to provide ample opportunities to all Member States who are inclined to share in the management of the system and also to bring total transparency in its administrative management.

## **Institutional Section**

### **Agenda of the future sessions of the International Labour Conference**

**21.47** The Indian Delegation in its statement indicated that the scope of discussion on the agenda item relating to “skills and lifelong learning” should focus on importance of skill gap training and the role of recognizing prior learning. The agenda item relating to “decent work and the social and solidarity economy” is also important. It was stressed that the discussion should focus on defining ‘social and solidarity economy’ keeping in mind the country contexts. It was also stated that The agenda items on “Decent Work in the

World of Sport” and “Decent work in the platform economy” can be considered for discussion in Conference sessions beyond 2021.

### **Matters arising out of the work of the 108th Session (2019) of the International Labour Conference: Follow-up to the resolution concerning the elimination of violence and harassment in the world of work**

**21.48** Secretary (L & E) in his intervention stressed that ending violence and harassment in the world of work requires significant social change and calls for combination of coordinated interventions at multiple levels, across sectors and in different areas of law, policy and practices. The implementation of the ILO strategy should reflect the different needs, national realities and priorities of member states. He stated that there is also a need to build concrete database and developing a consistent methodology for measuring violence and harassment in the world of work. Training of labour inspectors would be essential to identify and address the risks of violence and harassment. The ILO’s technical assistance in this regard would be essential.

### **Matters arising out of the work of the 108th Session (2019) of the International Labour Conference: Follow-up to the resolution on the ILO Centenary Declaration for the Future of the Work: Proposals for including safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work**

**21.49** The Indian delegation stressed that Occupational Safety and Health require specific changes in the production process and, in turn, the functioning of management at the operational level. Occupational safety and health should be seen as a social security objective. ILO has a framework of strong labour standards on occupational safety and health. There is a need for exhaustive deliberations and consultations with all stakeholders before recognizing of OSH as

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fundamental principles and rights at work. It was emphasised that all the stakeholders should also be consulted for the identification of the relevant Conventions indicating reasons for the selection. The Office should provide details about the reporting burden on the member states.

**ILO Research Strategy**

**21.50** Ms. Vibha Bhalla, Joint Secretary, in her intervention suggested that the ILO may build a research network of national level research institutes from interested member states. She highlighted that the V.V. Giri National Labour Institute is a premier Institute of Labour Research, Training and Education in India in various aspects of labour, both in the organised and unorganised sectors and is also an integral part of the BRICS Network of Labour Research Institutions. Building such a network with ILO at the helm of affairs will facilitate exchange of best practices and also support in undertaking research studies with a national perspective. She supported research studies on two areas namely technological progress with decent work and dynamic skill formation systems for decent work transitions, productivity growth and diversification of economies.

**Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102<sup>nd</sup> Session in 2013**

**21.51** India appreciated the steps taken by the Government to strengthen tripartite social dialogue and to bring in labour reforms in accordance with its national context and priorities and within the overall framework of international labour standards. The incidence of forced labour in Myanmar has significantly come down and it is clearly on a declining trend due to the measures taken by the Government of Myanmar along with its parliament through enactment of suitable legislations and by effecting necessary amendments in the national constitution. It was

stressed that the ILO and the international community should constructively engage with and fully assists and extend all technical assistance to the Government of Myanmar to promote decent work and eliminate forced labour as part of its overall national economic and social policy objectives.

**Mid-term review of the implementation of the Bali Declaration adopted by the 16<sup>th</sup> Asia and the Pacific Regional Meeting, (Bali, 6–9 December 2016)**

**21.52** The worker spokesperson during the meeting stated that labour reforms are being introduced in India without any consultations with the trade unions. He indicated that Child Labour Conventions have been ratified by India, however, its proper implementation needs to be ensured. The Indian delegation in its intervention highlighted the initiatives taken by Government of India for eradication of child labour. The Child Labour (Prohibition and Prevention) Amendment Act completely prohibits employment or work of children below 14 years in any occupation or process which includes domestic work. India has reaffirmed its commitment through ratification of ILO Convention No 138 regarding admission of age to employment and Convention 182 regarding worst forms of Child Labour.

**21.53** With respect to labour reforms in India, it was indicated that the process of Legislative reforms on Labour includes consultation with stakeholders including Central Trade Unions, Employers' Associations and State Governments in the form of tripartite consultation. The draft legislations are finalized after considering comments/suggestions received from various stakeholders. Therefore, extensive consultations upholding the spirit of tripartism has been the hallmark of labour law reform processes in India.

**Legal Issues and International Labour Standards Section(LILS):**

**Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution in 2021**

**21.54** The Indian delegation supported the second option i.e. General Survey on the topics of gender discrimination, maternity protection and workers with family responsibilities. Workers with family responsibilities particularly women face a trade-off between employment and family responsibilities. Maternity protection then becomes essential to balance the two aspects. A general survey of the kind would provide an opportunity to ascertain the level of gender discrimination that exists and the gap that persists in equality of opportunity and treatment.

**Informal G20 EWG Meeting**

**21.55** An informal G20 EWG meeting was held on the sidelines of the Governing Body Meeting. Saudi Arabia discussed the priorities scheduled to begin from February 2020. The labour and employment issues proposed to be discussed under the Saudi Arabian Presidency which included (a) better preparing youth for the transition to work, (b) adapting social protection to the changing pattern of work, (c) exploring behavioural insights for a transitioning labour market with the policy making with gender equality as a cross cutting theme.

**Meeting with Mr. Philippe Marcadent, Chief, Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK), on 5<sup>th</sup> November 2019.**

**21.56** Mr. Philippe Marcadent, Chief of Labour Relations and Working Conditions Branch, ILO, Geneva met Secretary (L & E) on November 5, 2019 to discuss the ESIC project in India funded by the Bill Gates Foundation. Mr. Philippe Marcadent submitted a paper that identified issues and actions needed with respect to ESIC Hospitals in India. Secretary (L & E) stressed that an ILO

Team should visit ESIC hospitals/ dispensaries in India and identify gaps in their functioning. ILO should then come out with a roadmap/ recommendations to improve the quality of services provided to the workers and their dependents.

**Meeting with Mr. K.M Ali Azam, Secretary, Bangladesh on 6<sup>th</sup> November, 2019.**

**21.57** Mr K.M. Ali Azam, Secretary, Bangladesh and his team met Secretary (L & E), India on 06.11.2019 on the sidelines of the 337<sup>th</sup> Session of the ILO Governing Body Meeting. Secretary, Bangladesh desired to know about the Labour Codes being introduced in India. Secretary (L & E), India said that 44 Central labour laws have been subsumed in drafting the 4 Labour Codes on Wages, Occupational Safety and Health, Industrial Relations and Social Security.



**G20 Labour and Employment Ministers Meeting held in Matsuyama, Japan from 29<sup>th</sup> August -2 September, 2019.**

**21.58** The G20 Labour and Employment Ministers' Meeting took place from 1-2 September, 2019. The Indian delegation was led by Shri Santosh Kumar Gangwar, Hon'ble Minister of State (Independent Charge) for Labour & Employment and comprised of Shri Heeralal Samariya, Secretary (L&E), Ms. Anita Tripathi, PS to MoS(IC) for L&E, Shri Ashish Kaushik, Assistant



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Section Officer, MoLE and Senior Official from Ministry of External Affairs. The G20 Labour and Employment Ministers' deliberated on the following topics/areas:

- (a) Employment of older workers and longer working life
- (b) Youth employment
- (c) New job opportunities in ageing societies - for future of long term care work,
- (d) Gender Equality
- (e) New Forms of Work.

**21.59** During the session on "Youth Employment", Hon'ble Minister highlighted the launching of our Youth Policy which gives top priority to skill development aimed at creating a productive workforce. The strides made by India in respect of National Apprenticeship promotion Scheme and Recognition of Prior learning were also enunciated. It was also informed that thousands of startups had been recognized by India to promote youth entrepreneurship. He proposed the integration of public employment services among G20 member nations to facilitate exchange of information with respect to the available job opportunities. The intervention was concluded by mentioning the need for strengthening our efforts towards promoting employment opportunities and skilling for women and rural youth.

**21.60** In his intervention during the session on "New job opportunities in ageing societies – for future of long term care work", Hon'ble Minister highlighted the need for long term care support in light of the limited ability of old people to care for themselves in ageing societies. It was mentioned that the ageing societies open up new possibilities for employment in long term care sector which is hitherto often catered to by informal workers. It was proposed to promote migration of long term care workers between the G20 countries to meet

the demand supply gap in this sector. It was also proposed to create a global cadre of long-term care workers to meet this objective.

**21.61** Indian delegation met the delegation from Saudi Arabia and Germany on the sidelines of G20 LEMM to discuss various issues pertaining to labour.



### **BRICS Labour & Employment Vice Ministers Meeting held in Brasilia, Brazil from 19-20 September, 2019**

**21.62** The BRICS Labour & Employment Vice Ministers' Meeting was held on 19 and 20 September, 2019. Shri Ram Kumar Gupta, Joint Secretary, Ministry of Labour and Employment attended the meeting. The meeting sought to ensure maximum synergy and continuity for BRICS collaboration in the labour market landscape. The agenda of the meeting included:

- a. Inclusive Future of Work
- b. Trade Liberalisation and the impact on the BRICS labour Market
- c. Governance of Labour Market Data
- d. Promoting quality employment for a sustainable social security system.

**21.63** In his opening statement, Shri R.K. Gupta, Joint Secretary emphasized on the need on adopting human centred approach for any policy whether economic or social to extract maximum

of the changing scenario. In the context of the emerging concept of global workforce, he supported the idea of establishing a common skills recognition framework at the level of BRICS nations to provide job opportunities to our citizens across boundaries. He also suggested the idea of developing a data base of emerging skill sets with respect to the future of work which would facilitate skilling of our workforce as per requirements of the integrated labour markets. He acknowledged the crucial role to be played by the BRICS Labour Research Network in identifying the new forms of employment, areas of skills to be upgraded with respect to future of work, and measures to enhance the capacity of workers in the informal sectors.

**21.64** In his intervention during the session on “Inclusive Future of Work”, Shri R.K. Gupta, Joint Secretary stated that technological advances, demographic transition and climatic changes are transforming the world of work. These can be addressed by suitably investing in the skill sets of our workforce. At the same time, the ‘inclusive future of work’ also underlines that the workers are ensured of adequate social security system, job protection, decent working conditions, in addition to access to dispute resolutions.

In his closing statement, Shri R.K Gupta, Joint Secretary expressed his satisfaction on the fact that the Ministerial Declaration adopted contained agreement of the member countries on a number of common issues which are relevant and reflective of the developments and challenges that are being encountered now. He also congratulated the BRICS Network of Labour Research Institutes on successfully undertaking studies on new forms of employment and youth employment.



## TECHNICAL CO-OPERATION PROGRAMMES

**21.65** Under the Active Partnership Policy of the ILO, collaboration between India and ILO is supported by technical inputs from the multidisciplinary teams at ILO, New Delhi as well as by the technical departments at the ILO Headquarters. The technical specialists provide advisory services in international labour standards, statistics and also discuss areas of possible collaboration in future. The tripartite machinery of the Government, workers’ and Employers’ Organisations, worked closely with the ILO in identifying the major Decent Work country Programmes’ objectives for the ensuing years.

**21.66** Ministry of Labour and Employment along with ILO has conducted activities and events to **commemorate ILO’s 100 year journey in India.** The Event and activities included a one day ‘National Stakeholder Consultation on the Future of Work’ jointly convened by M/o Labour and Employment and ILO on 8<sup>th</sup> February, 2019 at Noida.

## MULTILATERAL COOPERATION

**21.67** A Memorandum of Understanding was signed between MoU between Directorate General of Mines Safety(DGMS), India and Department of Natural Resources Mines and Energy, Queensland Government, Australia through the Safety in Mines, Testing and Research Station



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(Simtars), Australia 07.03.2019 in Ministry of Labour and Employment, New Delhi.

**21.68** A Memorandum of Understanding was signed between Employees State Insurance Corporation (ESIC) and Directorate General of Employment (DGE), India and the German Social Accident Insurance (DGUV), Germany on 1<sup>st</sup> November, 2019 in Ministry of Labour and Employment, New Delhi on the sidelines of the 5<sup>th</sup> Indo German High Level Consultation.



**21.69** Some of the prominent International meetings and training programmes where India participated actively are as under:-

- Smt. Anuradha Prasad, Additional Secretary and Smt. Anita Tripathi, Deputy Secretary, Ministry of Labour and Employment attended first G20 Employment Working Group (EWG) meeting under Japanese Presidency, on 25-27 February, 2019, Tokyo, Japan.
- Shri Devender Singh, Economic Adviser and Ms. Kamini Tandekar, Deputy Director, Ministry of Labour and Employment attended second G20 Employment Working Group (EWG) meeting under Japanese Presidency, on 22-24 April, 2019, Tokyo, Japan.
- Shri Devender Singh, Economic Adviser, Ministry of Labour and Employment attended the third meeting of G20 Employment Working Group (EWG) under Japanese Presidency on 24<sup>th</sup> - 25<sup>th</sup> June, 2019 at ILO

Geneva, Switzerland.

- Shri R. K Gupta, Joint Secretary, Ministry of Labour and Employment and Shri R.K. Elangovan, Deputy Director General, DGFASLI, M/o Labour and Employment attended the G20 Occupational Safety & Health (OSH) Network Meeting on 4-6 September, 2019 at Qingdao, China.



### **21.70 Other International Meetings/ Programme:**

- Shri Heeralal Samariya, Secretary, Ministry of Labour & Employment has attended World Bank South Asia Regional Workshops on Social Insurance Delivery Systems and Civil Service Pension Systems on 17-18 January, 2019 at Bangkok, Thailand.
- Shri Heeralal Samariya, Secretary & Shri Avneesh Singh, Director General, DGFASLI, Mumbai, Ministry of Labour & Employment have attended DGUV, Germany's event on the 10 years anniversary of the Indo-German collaboration on occupational visit to BG BAU headquarters on 29-30 January, 2019 at Berlin, Germany.

### **21.71 Some of the prominent International Delegations visited India to meet officials of Ministry of Labour & Employment are:-**

- A high level KOICA delegation led by Mr. Jung,

Sang Hoon /KOICA/Director, KOICA, met with Secretary, L&E on 15<sup>th</sup> February, 2019.

- H.E. Mr. Adam Burakowski, Ambassador of Poland to India met Shri Heeralal Samariya, Secretary, L&E on 13-6-2019 and on 20-12-2019 to discuss on Social Security Agreement
- A Meeting of the Hon'ble Minister of State (Independent Charge) for Labour and Employment with Timo Harakka, Minister of

Employment, Finland was held on 21<sup>st</sup> November, 2019 at 3.00 PM in the Mini Conference Hall, Shram Shakti Bhawan, New Delhi.

- A meeting under the chairmanship of Secretary, L&E with Ms. Beate Andrees, Chief, FPRW, ILO, Geneva, was held on 26<sup>th</sup> November, 2019 at 3.00 PM in Mini Committee Room, First Floor, Shram Shakti Bhawan, New Delhi.

## CHAPTER – 22

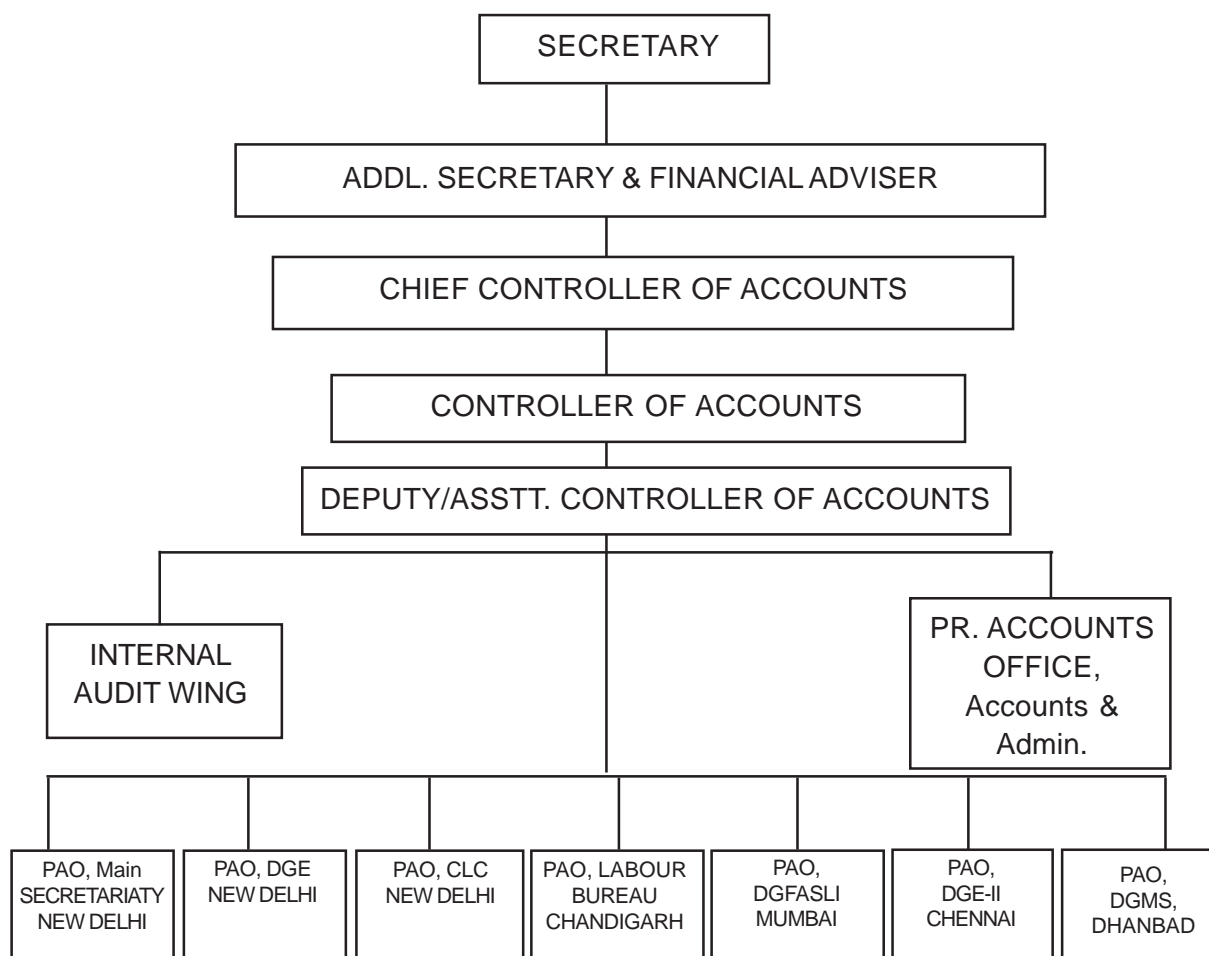
## PRINCIPAL ACCOUNTS OFFICE, MINISTRY OF LABOUR & EMPLOYMENT

### Office of Chief Controller of Accounts

### The Accounting Organisation of Ministry of Labour & Employment

**22.1** The Secretary is the Chief Accounting Authority of the Ministry and performs duties with the assistance of Additional Secretary & Financial Adviser (AS&FA) and Chief Controller of Accounts.

The Accounting Organisation of the Ministry of Labour & Employment is headed by the Chief Controller of Accounts (CCA) who is assisted by Controller of Accounts, Dy. Controller of Accounts, Principal Accounts Office & 7 Pay and Accounts Offices. CCA is responsible for payments, Accounts and Internal Audit in the Ministry. Organisational Structure of accounting organisation of the ministry is depicted as below:-



## 22.2 The duties& responsibilities of Chief Controller of Accounts of The Ministry broadly are as under:

- (i) The Chief Controller of Accounts (CCA) is the Head of Accounting Organization in the Ministry. The Chief Controller of Accounts arranges payments and accounts compilation through the PAOs/ Pr. Accounts Office and the cheque drawing DDOs and is also responsible for internal audit in the Ministry.
- (ii) The Chief Controller of Accounts is responsible for the following main items of work and performs for and on behalf of the Chief Accounting Authority (i.e. Secretary of the Ministry):
  - a) Arranging all payments through the Pay and Accounts Offices/ Principal Accounts Offices and the Drawing and Disbursing Officers wherever they are authorized to make certain types of payments.
  - b) Compilation and consolidation of accounts of the department and their submission in the prescribed form to the Controller General of Accounts, Department of Expenditure, Ministry of Finance.
  - c) Preparation of Annual Appropriation Accounts/Finance Accounts for the Demands for Grants of the Ministry.
  - d) Arranging internal inspection of payment and accounts records maintained by the various subordinate formations and Pay and Accounts Offices of the Department, and inspection of records pertaining to transaction of Government Departments, maintained in Public Sector Banks and also conducting scheme audits.

- e) Implementation of various of modules of namely Expenditure Advance & Transfer (EAT) module; Employee Information System (EIS) module; Cheque Drawing & Disbursing Office (CDDO) Module; General Provident Fund (GPF) Module; Direct Benefit Transfer (DBT) Module; Non-Tax Receipt Portal (NTRP) and Bhavishya Portal for payment of online pensionary benefits to the Employees of the Ministry through Public Financial Management System (PFMS).
- f) Monitoring of Utilisation Certificates (UCs) and the unspent balances lying with the agencies so that the money is used for the intended purpose and reduce the float by ensuring just in time releases.

## 22.3 MAJOR INITIATIVES/WORK DONE BY OFFICE OF CHIEF CONTROLLER OF ACCOUNTS, MINISTRY OF LABOUR & EMPLOYMENT during F.Y. 2019-20

### (i) Public Financial Management System (PFMS)

To achieve the target framed by Department of Expenditure, M/o Finance regarding Universal Rollout of Public Financial Management System (PFMS) for all Central Sector (CS)/Centrally Sponsored (CSS) Schemes, Public Financial Management System (PFMS) Monitoring Cell headed by Sr. Accounts Officer to impart trainings and to assist all Program Divisions to achieve the target in Ministry of Labour and Employment. Following modules of PFMS have been implemented successfully during the year 2019-20.

- (a) **Expenditure Advance and Transfer (EAT):-**All the schemes were reviewed thoroughly. Hierarchy and Component

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mapping was done to implement Expenditure, Advance and Transfer (EAT) module of PFMS to just in time releases and several trainings were provided to the concerned Agencies at various places throughout country.

- (b) **Employees Information System (EIS):-** The EIS module has been implemented in all the PAOs, CDDOs and NCDDOs of the Ministry. The salary is being released to all the employees of the Ministry through this module and individual can see the details of their salary by using their login credentials in PFMS.
- (c) **Cheque Drawing & Disbursing (CDDO) Module:-** The CDDO module has also been implemented successfully and payment are being made by all the CDDOs who are authorise to make certain types of payment, are using this module.
- (d) **Direct Benefit Transfer (DBT) :**Office of the Chief Controller of Accounts through their Pay & Accounts Offices had made payment under DBT for direct credit into the account of beneficiaries under schemes of Ministry of Labour & Employment using PFMS functionality.
- (e) **General Provident Fund (GPF) Module:-** The GPF module is a part of EIS module has been successfully implemented in all the PAOs, CDDOs and NCDDOs of the ministry and now the GPF related details can be seen from this module.
- (f) **Non-Tax Receipt Portal NTRP):** Non-Tax Receipt portal has been successfully implemented in all the PAOs and DDOs of the Ministry. The non-tax receipts are being taken into

account through this portal.

- (g) **Bhavishya Portal for payment of pension:** Bhavishya Portal for payment of pension has been successfully implemented in all the DDOs. Now all the pension cases are being dealt on Bhavishya Portal by concerned DDOs and their payments are being made by PAO through PFMS.

**(ii) Utilization Certificate (UCs) and unspent balances.**

In accordance with the provision contained in Rule 238 of General Financial Rules 2017, a Certificate of Utilization of grants is required to be furnished in respect of grants released to Autonomous Bodies, Non-Government Institutions, and other Organizations etc. The office of the Chief Controller of Accounts is vigorously monitoring the outstanding utilization certificates from various divisions. The information regarding pending utilization certificates is being forwarded to all Bureau Heads. As on 30.11.2019, there are 753 number of UCs pending amounting to Rs. 85.56 crore against various grantee institutions.

**(iii) Internal Audit**

According to GFR 236(1), Internal Audit Wing of Pr. Accounts Office has to conduct the audit of the Grantee Institutions, Cheque Drawing & Disbursing Office and also it conducts the scheme audit.

During the financial year 2019-20 (as on 30.11.2019), 29 units were inspected and 377 paras were added. After proper verification of the compliance report furnished by the Head of Offices of various audited units, 265 paras were settled. There are 1954 internal audit paras are outstanding as on 30.11.2019. Besides this, the Risk based audit of National Career Service



(NCS) Portal was conducted during the F.Y. 2019-20. The Risk based approach was adopted to conduct the audit of the Scheme. During Risk Audit of NCS Portal, various observation were raised and the same were communicated to the department for compliance.

**22.4 Following work was also done during F.Y. 2019-20 by office of the Chief Controller of Accounts through their Pr.Accounts Office and Pay & Accounts Offices:-**

- (i) Payments of bills of establishment of the Ministry and its attached & subordinate offices.
- (ii) Payment of Pay and Allowances in respect of Ministry's Staff.
- (iii) Payment of Grants-in-aid to Grantee Institutions.
- (iv) Payment of Long term and Short term advances to the staff of the Ministry.
- (v) Payment of Contingent Bills in respect of expenditure incurred by the Ministry.
- (vi) Payment of TA & LTC bills.
- (vii) Payment of Medical Reimbursement Bills.
- (viii) Payment of Retirement/Terminal Benefits, long term loans and advances and for withdrawal from Provident Fund (in respect of Government Servants other than MTS)
- (ix) Payment of loans and grants to State Governments through Reserve Bank of India (and wherever this office has a drawing account, payment thereof to Union Territory Governments/ Administrations).
- (x) Consolidation of monthly accounts of the Ministry in the manner prescribed by Controller General of Accounts (CGA).Preparation and submission of annual Appropriation Accounts of the Grant of the Ministry, Statement of Central Transactions and material for Finance Account of Union Government (Civil) to the Controller General of Accounts.
- (xi) Rendition of advice on finance & accounts matters to the Ministry.
- (xii) Supply of Cheque Books to PAOs and cheque drawing DDOs through concerned PAO.
- (xiii) Maintenance of liaison with CGA and accredited bank for verification and reconciliation of all receipts and payments made on behalf of the Ministry through the accredited bank.
- (xiv) Reconciliation of Cash Balances of the Ministry.
- (xv) Issuing authorisations to agent Ministries on behalf of various wings of the functional Ministry for carrying out certain activity required by the functional Ministry.
- (xvi) Maintain account of advance's under various types of Debt and Deposit heads including Provident Fund.
- (xvii) Authorize pension payment on retirement of employees

## CHAPTER-23

## DIRECTORATE GENERAL OF EMPLOYMENT

**BACKGROUND**

**23.1** The Directorate General of Resettlement and Employment (DGR&T) and Directorate General of Employment & Training (DGE&T) now known as Directorate General of Employment (DGE) was set up initially for the purpose of resettling demobilized Defence Service personnel and discharged war workers in civil life.

**23.2** After Independence, the Directorate General was also called upon to handle work relating to displaced persons from Pakistan. Subsequently, the scope of the Directorate was extended to cover employment service to all categories of job seekers in early 1948, and training services to all civilians in 1950.

**23.3** In pursuance of the recommendations of the Training and Employment Service Committee (Shiva Rao Committee set up in 1952), the day-to-day administrative control of the Employment Exchanges and Industrial Training Institutes (ITIs) was transferred to the State Governments/Union Territory Administrations with effect from 01.11.1956 on cost sharing basis between Centre and States.

**23.4** Cost sharing by the Centre with the State Governments to the extent of 60% of the cost of the establishment was continued up to 31.03.1969, after which the scheme was discontinued, based on the decision taken by the National Development Council in May, 1968.

**23.5** With each successive Five Year Plan, there has been expansion of the activities of the Employment Service and Training Service in the

Centre and the States. The total number of Employment Exchanges functioning are 997 (including 76 University Employment Information and Guidance Bureaux).

**23.6** The Directorate General of Employment (DGE) is presently headed by the Director General (Employment). The organizational set up of the Directorate General consists of two principal wings namely, Directorate of Employment and Secretariat Wing.

**RESPONSIBILITIES****EMPLOYMENT DIRECTORATE**

- Plans and formulates programmes for expansion and development of National Employment Service in consultation with State Governments.
- Coordinates the work of Employment Service in States/UTs.
- Conducts training programmes and develops staff training material for the Employment Service personnel.
- Carries out periodic programme of evaluation of policies, procedures and working practices of Employment Exchanges in the States with a view to assessing and advising the State Governments on the progressive development of the service and to ensure that National Policies, Standards and Procedures are effectively implemented.
- Collects and disseminates Employment Market Information and prescribes uniform reporting procedures for the organized sector and Employment Exchanges.

- Co-ordinates Vocational Guidance and Career Counselling Services rendered through Employment Exchanges and University Employment Information and Guidance Bureaux (UEIGBx), MCCs to the unemployed youth for choosing and planning their career suited to their abilities and skills.
- Evaluates residual capabilities of physically challenged persons and provides them adjustment training in order to facilitate their economic rehabilitation.
- Establishes coordination and consultation with the Ministries of the Government of India whose activities affect the employment situation in the country.
- Provides Vocational Guidance and organizes Confidence Building Programmes for SC/ST job seekers.
- Formulation of National Employment Policy.

### STATUTORY PROVISIONS

**23.7** The statutory provision enforced by DGE is:-

- Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and Rules made there under. The non-statutory body is functioning under the DGE:-

#### Non-Statutory Body

**23.8** The non-statutory body functioning under DGE is the Working Group on National Employment Service.

### INFRASTRUCTURE AVAILABLE FOR EMPLOYMENT SERVICE

#### WITH STATE GOVERNMENTS;-

- 997 Employment Exchanges [including 42 Special Employment Exchanges for Differently Abled (Handicapped)] throughout India.
- 38 Special Cells for persons with disability

are functioning in normal Employment Exchanges in various States.

- The State Directorates of Employment are generally located in the State Capitals.

#### WITH CENTRAL GOVERNMENT:

- 24 National Career Service Centres for Differently Abled (erstwhile VRCs) out of which one Centre at Vadodara is exclusively for women with disabilities.
- 25 National Career Service Centres for Scheduled Castes/Scheduled Tribes (erstwhile CGCs)
- National Institute for Career Service (NICS) (erstwhile CIRTES) located at NOIDA (U.P.)
- Central Employment Exchange under Directorate of Employment at New Delhi

### HIGHLIGHTS

#### EMPLOYMENT SERVICE

**23.9** DGE does not implement any employment generation scheme. Its role is to coordinate and oversee the employment generation taking place in the country through the National Employment Service in India. The network of Employment Service has expanded from 18 Employment Exchanges in 1951 to 997 Employment Exchanges.

**23.10** A key role played by the Employment Exchanges is to motivate and guide the unemployed youth for taking up self-employment ventures in view of shrinkage in wage paid jobs. In 22 selected Employment Exchanges, Special Cells for Promotion of Self-Employment have been working.

**23.11** There are 409 Vocational Guidance Units in Employment Exchanges and 76 University Employment Information and Guidance Bureaux (UEIGBX) within the University Campuses have been functioning in the country to render

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Vocational Guidance and Employment Counselling to job-seekers.

**NATIONAL EMPLOYMENT SERVICE****INTRODUCTION**

**23.12** The employment service is the joint concern of the Central and State Government and DGE, Ministry of Labour & Employment is responsible for policies, standards and procedures to be followed by the employment services along with collecting of EMI, providing VG and Employment counselling and placement of persons with disabilities. Policies, standards and procedures for the National Employment service are laid down by the Central Government in consultation with the State Governments. A Working Group on National Employment Service comprising of representatives of the Central and State Governments facilitates this consultative process. Regular meetings of the Working Group on National Employment Service are held under the Chairmanship of Director General of Employment & Training, Ministry of Labour & Employment. The meetings are attended by the State Labour & Employment Secretaries/State Directors of Employment/other representatives and officers of DGE. The Working Group considered various issues pertaining to National Employment Service and made necessary recommendations.

**23.13 Features of National Employment Service**

- National Employment Service covers all the States and Union Territories except the State of Sikkim.
- Day to day administration of the Employment Exchanges is under the control of respective State Governments/UTs.
- It has a network of 997 Employment Exchanges.
- As a part of administrative functioning, data

are collected through Employment Exchange Statistical Returns, each return covering a specific field of activity like registration, placement, etc. with different periodicity.

- As a part of Employment Market Information Programme, data are collected from the Organised Sector (all public sector establishments and all non-agricultural private sector establishments with 10 or more workers) on employment, vacancies, occupational and educational pattern of employees, etc. in ER-I returns prescribed under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and Rules framed there under. The establishments employing 10-24 workers in private sector are covered on voluntary basis.

**23.14** To convert the National Employment Service into a National Career Service, Ministry of Labour & Employment, constituted a Working Group comprising representatives from State Governments, Employers' Associations and other stake holders during November, 2013. The first meeting of the said working group was held on 3<sup>rd</sup> December, 2013. After elaborate discussions and careful consideration of various aspects, including improving utility, accessibility and efficiency of the Service, the recommendations were approved by the Govt. for laying the foundation for the NCS.

**EMPLOYMENT EXCHANGES  
(COMPULSORY NOTIFICATION OF  
VACANCIES) ACT, 1959.**

**23.15** The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 provides for compulsory notification of vacancies and submission of employment returns (ER-I) by employers to the Employment Exchanges. It applies to all establishments in the Public Sector and such establishments in the Private Sector engaged in non-agricultural activities and employing 25 or more workers. Enforcement of the Act is the responsibility of the States and Union

Territories. Majority of the States/Union Territories have special enforcement machinery for this purpose. The amendments proposed to the Act were deliberated on by the Parliamentary Standing Committee on Labour and the committee have recommended that the Act be comprehensively amended to make the functioning of Employment Exchanges more relevant to the needs of society and is being examined in the Ministry.

**23.16** Accordingly, an Inter-Ministerial Committee (IMC) has been constituted by Ministry of Labour and Employment under the chairmanship of Additional Secretary, MoLE and comprising key Ministries to deliberate on the contours of the Act. The Committee has recommended introduction of a policy framework for the National Career Services (NCS) with the direction that the implementation of the NCS policy may be closely monitored so that a decision can be taken on the necessity of formulating an Act in future. It was further decided by the IMC that in the meanwhile the EE (CNV) Act, 1959 may continue in its existing form.

#### PERFORMANCE OF NATIONAL EMPLOYMENT SERVICE\*

**23.17** The details of the network of 997 Employment Exchanges are given in **Table 23.18**. The main activities of the Employment Exchanges are registration, placement of job seekers, career counselling & vocational guidance and collection of employment market information.

**Table- 23.18**

➤ <b>Total number of Employment Exchanges, includes the following :</b>	<b>997</b>
➤ <b>University Employment Information and Guidance Bureaux (UEIGBx)</b>	<b>76</b>
➤ <b>Professional and Executive Employment Exchanges</b>	<b>14</b>
➤ <b>Special Employment Exchanges for the Physically Handicapped</b>	<b>42</b>

➤ <b>Special Employment Exchange for Plantation Labour</b>	<b>01</b>
➤ <b>Employment Exchanges exclusively for Women</b>	<b>05</b>

**23.18** The performance of Employment Exchanges as on 30-06-2017 is given below:

**Table 23.19**

<b>Category</b>	<b>No. of Job-seekers Registered</b>	<b>No. of job-seekers Placed</b>	<b>No. of job-seekers on the Live Register</b>
<b>Men*</b>	<b>11.24</b>	<b>1.72</b>	<b>271.60</b>
<b>Women*</b>	<b>6.35</b>	<b>0.50</b>	<b>156.49</b>
<b>Total*</b>	<b>17.59</b>	<b>2.22</b>	<b>428.09</b>

*\* Provisional*

#### Salient features of registration and placement in Employment Exchanges

##### 23.19 Registration:

Out of total number of 17.59 lakh job seekers registered upto end of June 2017, 11.24 lakh job seekers were men and 6.35 lakh were women. Maximum numbers of job-seekers (2.71 lakh) were registered in Gujarat followed by 2.53 lakh in Madhya Pradesh, 2.35 lakh in Tamil Nadu, and 2.05 lakh in Kerala.

##### 23.20 Placement:

Out of the 2.22 lakh job-seekers that got employment through the employment exchanges, 0.50 lakh were women. The maximum placement made was 2.07 lakh in Gujarat during the same period.

##### 23.21 Live Register:

Out of total number of 428.09 lakh job seekers on Live Register, 271.60 lakh job seekers are men and 156.49 lakh job seekers are women. The highest job seekers were in West Bengal followed by Tamil Nadu.



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**23.22 Year-wise registration, placement, vacancies notified, submissions made and**

**Live Register for the period 2007-2017 are given in Table No. 23.23**

Year	Employment Exchanges, UEIGBx \$	Registration	Placement	Vacancies notified	Submission made	Live Register
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2007	965	5434.2	263.5	525.8	3666.1	39974.0
2008	968	5315.9	305.0	570.8	3344.0	39112.4
2009	969	5693.7	261.5	419.5	2589.3	38152.2
2010	969	6186.0	505.4	706.9	3747.1	38818.5
2011	966	6206.3	471.5	819.7	5142.9	40171.6
2012	956	9722.2	427.6	682.8	2982.2	44790.1
2013	956	5969.4	348.5	510.7	3002.1	46802.5
2014	978	5957.2	338.5	762.0	4220.4	48261.1
2015	978	6939.4	395.0	810.3	4307.6	43502.7
2016	997	5959.9	405.5	1401.4	3906.4	43376.1
2017* (as on 30-06-2017)	997	1759.2	222.08	587.7	1957.4	42809.1

*\*Provisional*

### **CENTRAL EMPLOYMENT EXCHANGE, DELHI**

**23.23** The Central Employment Exchange, DGE located at 3/10 Jam Nagar House, New Delhi under M/o Labour and Employment is responsible for Advertisement of vacancies of scientific & technical in nature occupying in the central Government Establishments with the basic pay matrix of Rs.1400-2300 (level-5as per seventh pay commission pay scale) or above. As per revised procedure laid down by DoPT all the vacancies notified to CEE as per EE (CNV) Act, 1959 are to be advertised in Employments News by Central Employment Exchange (CEE). From January 2019 to October, 2019, 24 vacancies notified by various Ministries/ Departments were advertised in the Employment News published by DAVP. It covers 01, 03, and 20 vacancies for ST/

OBC/General (including horizontal reservation) respectively. In addition to this, such vacancies are also to be placed at National Career Service (NCS) Portal vide instruction issued by DoPT in November, 2016.

### **EMPLOYMENT MARKET INFORMATION PROGRAMME (EMI) SCOPE, COVERAGE AND LIMITATION**

**23.24** The Employment data in the organized sector is collected under the Employment Market Information (EMI) Programme which is provided the statutory base by the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and Rules framed there under. The EMI programme now extends to all the States/Union Territories. The programme covers all

establishments in the Public Sector and non-agricultural establishments employing 25 or more workers in the Private Sector. The establishments employing 10-24 workers are covered on a voluntary basis.

**23.25** The EMI Programme, however, does not cover employment in the agricultural establishments (other than Plantation and Agricultural Machine Operatives), self-employed or independent workers, part-time workers, Defence Forces, Indian Missions abroad, establishments employing less than 25 workers in the metropolitan cities of Mumbai and Kolkata and tiny sector establishments (employing less than 10 workers). The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 makes it obligatory on the part of employers to render Employment Return (ER-I) and occupational return (ER-II) at quarterly at biennial interval respectively. The employment returns are rendered at quarterly intervals showing employment on last working day of each quarter whereas the occupational returns are collected biennially.

### **EMPLOYMENT ASSISTANCE TO SPECIAL CATEGORIES**

**23.26** Employment Service, as in the past, continued making efforts to cater to the special needs of vulnerable sections like Women, Scheduled Castes / Scheduled Tribes, persons with disabilities and differently abled Ex-servicemen job-seekers. Details of programmes on vulnerable section are given in Chapter 24.

### **National Career Service**

**23.27** 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

skill development courses, apprenticeship, internships etc.

**23.28** The Mission Mode Project on NCS was appraised and approved in December, 2013 with an outlay of Rs. 148.70 crore in the 12<sup>th</sup> five year plan. To give shape to the Government's intention of establishing Career Centres, the project outlay was upwardly appraised, in November, 2014 for an outlay of Rs 292.20 cr. The scope of project was further increased to include the inter-linking of employment exchanges and organizing of job fairs on regular basis with an enhanced outlay of Rs.348crores during the 12<sup>th</sup> Five Year Plan. The approved outlay for the project for the Financial Year 2016-17 was Rs 100 crores and for the present FY 2019-20 it has been Rs.50Crores. In order to continue the scheme during 14<sup>th</sup> Finance Commission Cycle (2017-2020) an outlay of Rs.478crore has been approved by SFC.

**23.29** TheNCS Project has three pillars-NCS Portal, Inter-Linking of Employment Exchanges and Model Career Centers.The services under NCS are available online and can be accessed directly, through Career Centres, Common Service Centres, Post Offices, mobile devices, cyber cafes etc. The various stakeholders on the NCS platform include job seekers, industries, employers, employment exchanges (career centres), training providers, educational institutions and placement organizations.

**23.30** The NCS Portal (NCSP) has been made functional at the URL ([www.ncs.gov.in](http://www.ncs.gov.in)). The portal was dedicated to the Nation by Hon'ble Prime Minister of India 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 3600 occupations under 52 sectors. The portal also facilitates organization of job fairs where both employers and job seekers can interact. The brief statistics of NCS Portal are given below:

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Sr. No.	Parameters	Number as on 3 <sup>rd</sup> December. 2019
1.	Active Job Seekers Registered	01.01crore
2.	No. of active Employers Registered	48534
3.	Vacancies Mobilised	61.02 lakh
4.	Job Fairs organised	992

**23.31** With the increased focus of Government on Career Counselling, the Ministry has created a network of Career Counsellors where the Career Centres have become the hub of Career Counselling in their area. Under the process, 5886 counsellors from various States/UTs have registered on NCS Portal & out of them 580 are publishing their schedule for actively counselling through NCS Portal.

**23.32** The NCS Portal also provides an open architecture for partnering of institutions and organisations for delivery of career and employment related services. The NCS Portal has developed specific pages to help categorize and improve delivery of services in the focus areas or otherwise. The partnering institutions will be provided appropriate space and link on the NCS Portal to improve delivery of services on a non-exclusivity basis and be amenable to the monitoring systems. Ministry has engaged with several institutions and organisations to bring more and more job opportunities to our workforce with some of the leading organisations such as Quikr Jobs, Monster.com, Freshers World, First Job, MeraJob, Synergy relationship Management Services Private Limited, VSS Tech Solutions Pvt. Ltd. Monter.com, SaralRozgar, Cassius Technologies Pvt. Ltd. Shine.com etc. As per DOPT instructions it has been decided that advertisement of

vacancies shall now be mandatory placed at the National Career Service Portal (ncs.gov.in) developed by Ministry of Labour and Employment.

**23.33** A series of consultations with State Governments were held on various occasions for the NCS project. Key Ministries, Academia and Industry have been involved in designing the framework of the National Career Service and Career Centres. Under the NCS, it is proposed to create Knowledge Repository of Career Counselling content, by digitizing the existing Counselling literature and making it amenable for periodic updation by stakeholders and made accessible to various users. Multi-stakeholder Expert Groups have been constituted for various aspects under NCS like, network of career counsellors, assessment tools, rural outreach strategies etc. Committees have also been constituted for steering the project.

**23.34** The NCS Project also envisaged setting up of Model Career Centres (MCCs) to be established in collaboration with States and other institutions to deliver employment services. The Government provides financial assistance to the states for model career centres based on the proposals and scheme guidelines. These model centres can be replicated by the States from their own resources. Initially Government has approved establishment of 107 Model Career Centres (including 7 non-funded MCCs) in the first phase. The MCCs envisage creating states of Art infrastructure model career centre for providing variety of employment services using technology. The Government now, keeping in view the importance of employment as a thrust area and to provide employment related services to maximum job seekers and other stakeholders has decided to establish 100 more Model Career Centres (MCCs) thereby extending the geographical coverage of the scheme and increasing the number of Government funded MCCs to 200 during 14<sup>th</sup> Finance Commission period (2017-2020). 164 MCCs have been

approved by the government in the second phase. Furthermore, rest of the Model Career Centres has been recommended by the Inter Ministerial Appraisal Committee in its meeting held on 20<sup>th</sup> Nov. 2019.

**23.35** The NCS Project has also been enhanced to interlink 997 Employment Exchanges with NCS Portal and under this scheme Govt. of India is providing funds to the states for up-gradation of Employment Exchange and for organising job fairs. So far 27 States/UTs have sent proposals and funds have been released to 25 States/UTs. During 2019-20 (till December, 2019) around 992 job fairs have been organised under National Career Service (NCS) in which 2,06,411 job Seekers participated and 76,635 candidates were shortlisted.

**23.36** In a parallel exercise, the Ministry has initiated a programme for capacity building of officers of the National Employment Service and Young Professionals being deputed at Model Career Centres under a multi-pronged strategy of orientation, refresher and specialized training in the area of National Career Services. Over, 2189 officers have been trained on various modules of National Career Services like career counseling training, portal management training, SIYB training etc.

### **National Employment Policy**

**23.37** Ministry of Labour & Employment had forwarded a Cabinet Note seeking for implementation of National Employment Policy in February, 2013. However, it was advised to upscale and update the document. The Ministry had subsequently entrusted the work of drafting the National Employment Policy to VVGNI and while preparing the same, it emerged that the policy had wide ramifications and required inputs from various stake holders, Ministries, Departmental trade unions, research institutions, State Governments etc. Accordingly, an Inter-Ministerial Committee was constituted on 13<sup>th</sup>

March, 2014 and its first meeting was convened on 4<sup>th</sup> April, 2014 and a concept note circulated to stake holders to seek views and suggestions. The draft policy has also been discussed with the State Ministers on 29.08.2014. Another brain storming session was held on 04.06.2015 with key stake holders to discuss the contours of the Proposed National Employment Policy. Based on the discussions held in the various meetings, VVGNI has recently submitted the revised draft on NEP which is under consideration of the Ministry.

### **Pradhan Mantri Rojgar Protsahan Yojana (PMRPY)**

**23.38** Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) was launched on 9th August, 2016 with the objective to incentivise employers for creation of new employment. Under the scheme, Government of India was paying Employer's full contribution i.e. 12% towards EPF and EPS both (as admissible from time to time) for a period of three years to the new employees through EPFO. The scheme is targeted for employees earning upto Rs. 15,000 per month and also aims to cover a large number of informal workers to the formal workforce. The terminal date for registration of beneficiary through establishment is 31st March, 2019.

Initially, Government of India was paying 8.33% EPS contribution of the employer for all sectors in respect of these new employees. The benefits of the scheme were also extended to the Textile Sector under Pradhan Mantri Paridhan Rojgar Protsahan Yojana (PMRPY) for made-ups and apparels sector where the Government was paying additional 3.67% EPF contribution of the employer in respect of these new employees this bringing the total incentive to 12%. The scope of the scheme was enhanced w.e.f. 1.4.2018 with the approval of CCEA to provide the benefit of full 12% employers contribution for all sectors.

This scheme has dual benefit, where, on the one



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hand, the employer is incentivised for increasing the employment base of workers in the establishment, and on the other hand, these workers will have access to social security benefits of the organized sector. All the beneficiaries under this scheme are Aadhaar Seeded.

Till 16<sup>th</sup> December, 2019 total benefit of Rs.7101.56 Crore has been given to 1,52,849 Establishments covering 1,21,67,940 Beneficiaries under (PMRPY).

**National Career service Centres for SC/STs**

**23.39** Twenty Five National Career Service Centers for SC/STs have been set up in 25 States. Confidence Building Programmes are organised and Vocational Guidance 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 such Centres. These Centres have also been arranging Pre-Recruitment Training programmes for SC/ST candidates to improve their employability in competitive examinations conducted by Staff Selection Commission and other Recruitment Boards for Group 'C' and equivalent posts. Details on NCSC-SC/STs is given in chapter 24.

**National Career Service Centres for Differently Abled**

**23.40** Twenty Four National Career Service Centers for Differently Abled (NCSC-DA) (Erstwhile VRCs) have been functioning in the country, out of which, one Centre at Vadodara has been set up exclusively for women with disabilities. These Centres evaluate residual capacities of persons with disabilities and provide them adjustment training and skill training with a view to integrate them in the economic mainstream and make them productive citizens of the country. These Centres play pro-active role in creating public awareness and community participation in

the rehabilitation of people with disabilities. To synergize the link between demand and supply of skilled workforce, the Government has established 5 Model Career Centres for welfare of PWDs in NCSCs for DA. The Centres focus on career counselling as key activities for youth with disabilities to pursue skill enhancement courses that the market drive. The officers of the NCSC-DA are being trained on professional counselling techniques. Outreach counselling sessions and job-fairs are a key activity in these career Centres. Details on NCSC-DAs is given at **Chapter 24**.

**23.41** Placement service to the differently abled Ex-servicemen/Border Security Force personnel and their dependents is provided through an Ex-servicemen Cell set up in DGE (Hqrs.). For further details please refer to **para 24.14 of chapter 24**.

**NATIONAL INSTITUTE FOR CAREER SERVICE**

**23.42** The National Institute for Career Service (erstwhile Central Institute for Research and Training in Employment Service) was set up in October, 1964 under Directorate General of Employment (DGE), M/o Labour & Employment for imparting Research & Training in Employment Services. The Institute was later expanded in 1970 with additional function of publishing career literature and again in 1987 with added responsibility of occupational research & promotion of self-employment. Now, the Ministry is implementing the Employment Exchange Mission Mode Project under National e-Government plan (Ne-GP). Under this Project, NICS-NOIDA (erstwhile CIRTES), has been designated as nodal institute for capacity building under NCS project. NICS is responsible for imparting training to all stakeholders of NCS project like Employer, Job Seeker, Training Provider, College Students/ Counsellors/ Placement Organisation/Govt. Organisation etc.



and for Officers of National Employment Services working at Central & State Govt. NICS is also playing major role in implementing the Young Professional Scheme of M/o Labour and Employment and coordinating the activities of Model Career Centers established across country under NCSproject.

**23.43** NICS as Model Career Centre (MCC) is responsible for organizing various activities like outreach activities, organizing Job Fairs/Job drives, Career Counselling sessions, registration of Job Seekers, Employers and Local Service Providers etc. Till October,2019 MCC, NOIDA organized 18 Job drives and one mega job fair.

### TRAINING ACTIVITIES

- Sixteen Capacity Building Programmes (CBP) have been organized till 30<sup>th</sup> November, 2019for officers of State Employment services, officers of VRCs and CGCs,MCCs Staff etc. and 450 trainees attended the above mentioned training programmes.
- Thirty Six Orientation Programmes have been organized for various stake holders of NCS have been organized till 30<sup>th</sup> November, 2019 and 2598 have been attended the above mentioned orientation programmes.
- Three TCSemployability training for job seekers till November 2019 and 104 trainees attended the said programmes.

### NATIONAL CAREER SERVICE ACTIVITIES AT NICS

**23.44** Awareness programme on National Career Service project conducted for Youth Volunteers of Nehru Yuva Kendra.

- Awareness programme on National Career Service project conducted for trainees of International Training Programme of VVGNLI, NOIDA.
- Implementation of Young Professional Scheme of National Career Service (NCS) Project.
- Collecting the data of Job Fairs conducted by various MCCs.
- Developing outreach programmes for widening the network of stakeholders like industry associations, educational and training institutes, skill providers etc.
- Content development for training programmes.
- Coordination development for training.

## CHAPTER-24

## EMPLOYMENT ASSISTANCE TO SPECIAL CATEGORIES

**24.1** Employment Service, as in the past, continued making efforts to cater to the special needs of vulnerable sections like Women, Scheduled Castes / Scheduled Tribes, persons with disabilities and differently abled Ex-servicemen job-seekers.

#### NATIONAL CAREER SERVICE CENTRES FOR SC/STs.

**24.2** Coaching-cum-Guidance Centres for SC/ST (now called NATIONAL CAREER SERVICE CENTRES FOR SC/STs) were established by Directorate General of Employment & Training (now Directorate General of Employment), Ministry of Labour & Employment, Govt. of India. These Centres provide services to SC/ST job seekers registered with Employment Exchanges for enhancing their employability through coaching, counselling and related training programmes. Some of the programmes organized by these Centres cover confidence building, individual guidance, mock interviews, training in typing, shorthand and computer, etc. The main objectives of the CGCs Scheme are:-

- i) To render vocational guidance and career related information;
- ii) To channelize educated SC/ST job-seekers registered with the Employment Exchanges in appropriate vocations; and
- iii) To increase their employability through coaching/training/guidance.

The scheme was launched in 1969-70 in 4 Centers on a pilot basis. Keeping in view the success of the scheme, it was extended to another nineteen States in a phased manner. At

present, twenty five National Career Service Centres for SC/STs are functioning in twenty five States/Union Territories one each at Delhi, Jabalpur, Kanpur, Chennai, Hyderabad, Thiruvananthapuram, Kolkata, Jaipur, Ranchi, Surat, Aizawl, Bangalore, Imphal, Hissar, Nagpur, Bhubaneshwar, Guwahati, Mandi, Kohima, Jowai, Jammu, Jalandhar, Naharlagun, Puducherry & Vishakhapatnam. The NCSCs at Jowai & Vishakhapatnam are in the process of being made functional.

In addition, fourteen of these Centres provide facilities for training in Shorthand and Typing. The physical achievements of various National Career Service Centres from April 2019 to 30<sup>th</sup> November, 2019 are given below:

ACTIVITY	NO. OF CANDIDATES COVERED
Registration on NCS	11353
Individual Guidance/Career Information	22096
Confidence Building Programme	13928
Training in Typing and shorthand	6525
Pre-Recruitment Training (PRT)	1364

#### These Centres:

- Provide employment related coaching-cum-guidance to SC/ST applicants.
- Provide information on job requirements and the type of tests/interviews they are likely to face when called by the employers.
- Take up appropriate follow up action with the

employers to ascertain the results of submission against reserved vacancies.

- Undertake job development work besides providing occupational information/vocational guidance & counselling and organising Confidence Building Programmes for job-seekers.
- Provide facilities to SC/ST job-seekers for practicing shorthand and typing at the above Centres except National Career Service Centres located at Aizawl, Hissar, Bhubaneswar, Guwahati, Mandi, Kohima, Jowai, Jammu, Jalandhar, Naharlagun & Vishakhapatnam.
- Arrange from time to time, Pre Recruitment Training Programme for SC/ST candidates to improve their employability through competitive examinations conducted by the Staff Selection Commission, etc. for group 'C' posts in collaboration with various employing authorities and recruiting agencies.

### **24.3 SALIENT FEATURES OF SPECIAL COACHING SCHEME FOR SC/STs**

- A Special Coaching Scheme to prepare SC/ST candidates for competitive examinations/selection tests for Group 'C' posts is being operated through NCSC for SC/STs.
- The coaching is of 11 months duration and the trainees are paid stipend besides free course books and limited stationery. The coaching institutes are paid professional charges for imparting coaching to SC/ST candidates.
- This scheme was launched in 1973 on a pilot basis at Delhi.
- Guided by the benefits derived from the above Special Coaching Scheme, the scheme has been extended to twenty more places at Kanpur, Kolkata, Bangalore, Hyderabad,

Ranchi, Surat, Guwahati, Imphal, Hisar, Jabalpur, Chennai, Thiruvananthapuram, Jaipur, Bhubaneswar, Mandi, Nagpur, Delhi, Jammu. Jalandhar Kohima & Naharlagun.

- Till 2019-20, 20136 SC/ST candidates have successfully completed the Special Coaching.

### **SCHEME FOR PROVIDING COMPUTER TRAINING TO SC/ST JOB SEEKERS REGISTERED WITH EMPLOYMENT EXCHANGES**

**24.4** This scheme was launched from February 2004, with a view to provide Computer Training to SC/ST educated job seekers registered with the Employment Exchanges through outsourcing of training facilities. The training of six months duration was arranged at Bangalore, Bhubaneswar, Chennai, Delhi, Guwahati, Hissar, Hyderabad, Jaipur, Jabalpur, Kolkata, Nagpur, Surat, Kanpur, Thiruvananthapuram, Ranchi & Mandi was coordinated by respective National Career Service Centre for SC/STs under DGE located at these places. It was observed that six month Computer Training Course was not of much help to the candidates to provide employability in view of changing demands in the Labour Market. From the year 2009-10 it was therefore, decided to impart one year 'O' Level Computer Training to 1000 SC/ST candidates through DOEACC Society under the Department of Information Technology which has been started w.e.f 03.08.2009. In addition to the above said places, the training is also being imparted at Jammu, Jalandhar, Imphal & Kohima w.e.f 03.08.2009. 19460 SC/ST candidates were admitted & provided training under the 'O' level one year computer training (software) through National Institute of Electronics & Information Technology (NIELIT) till June, 2019, and the next batch has started w.e.f July 2019 with a seating capacity of 600 SC/ST jobseekers at 21 NCSCs for SC/STs.

**24.5** The one year 'O' level Computer Hardware

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Maintenance Training was also started w.e.f 01.08.2012. 8050 SC/ST candidates were admitted & provided training till July, 2019 and next batch has been started w.e.f 01.08.2019 with a seating capacity of 450 SC/ST candidates at 18 NCSCs for SC/STs.

**Physical Progress during 2019-20 are given as under:-**

Name of Programme	Achievements (No. of candidates)
Special Coaching Scheme	1300
'O' Level one year Computer Training	600
'O' Level one year Computer Hardware Maintenance	450

**24.6** Allocation of Rs.18.00 crore has been made during 2019-20 for the scheme namely "Welfare of SC/ST jobseekers through coaching, Guidance and Vocational Training and Introduction of new courses in existing National Career Service Centers (NCSCs) for SC/STs and Establishment of new NCSC in the States not covered so far".

**Benefits provided to SC/ST trainees through**

**Direct Benefit Transfer (DBT) (Scheme "0586")**

**24.7** At present 25 NCSC for SC/STs (erstwhile CGC for SC/ST) are being run to enhance the employability of educated SC/ST job-seekers registered with the employment Exchanges through Coaching/Training/Counseling etc. 21 NCSC-SC/STs are covered under DBT Scheme covering 3500 beneficiaries in three sub schemes i.e., (1) Special Coaching Scheme (1300 Beneficiaries), (2) Computer 'O' Level Training Software Course (1500 Beneficiaries) and (3) Computer 'O' Level Computer Hardware Maintenance Training (700 Beneficiaries). The stipend is paid @Rs.1,000/- per trainee per month through DBT w.e.f. 01-07-2017 subject to minimum 80% attendance during a particular month. In FY 2018-19 a total of Rs 3.38 Crore (FE) was allotted for stipend and expenditure incurred is 99.70% of the budget i.e., Rs.3.37 Crore.

#### **SCHEDULED CASTES/ SCHEDULED TRIBES**

**24.8** Performance of Employment Exchanges in respect of Scheduled Caste/Scheduled Tribe and Other Backward Class job-seekers during 2012 onwards is indicated in **Table 24.1** below.

**Table 24.1**  
(in lakh)

Category	Activity	2012	2013	2014	2015	2016*
<b>SCHEDULED CASTE</b>	Registration	12.75	10.25	7.66	8.00	5.16
	Placement	0.31	0.32	0.22	0.27	0.14
	Live Register	71.66	72.92	76.44	70.48	71.54
<b>SCHEDULED TRIBE</b>	Registration	3.71	3.44	3.48	3.75	2.04
	Placement	0.19	0.21	0.24	0.28	0.13
	Live Register	24.31	24.87	24.17	25.22	25.39
<b>OTHER BACKWARD CLASS</b>	Registration	22.77	18.33	14.85	15.88	9.35
	Placement	0.19	0.23	0.10	0.11	0.07
	Live Register	116.71	114.14	121.34	113.99	116.05

\* Provisional.

## **NATIONAL CAREER SERVICE CENTERS FOR DIFFERENTLY ABLED (NCSC for DA)**

**24.9** The Ministry of Labour & Employment is committed to the implementation of the provisions of the Rights of Persons with Disabilities Act, 2016. The Directorate General of Employment (DGE) has been regularly co-ordinating and supporting Ministry of Social Justice & Empowerment (Ministry of SJE), which is the Nodal Ministry for the welfare of people with disabilities.

- Twenty –four National Career Service Centers for Differently Abled (NCSC-DA) (Erstwhile Vocational Rehabilitation Centre) have been functioning in the country, out of which, one Centre at Vadodara has been set up exclusively for women with disabilities. Three new Centres at Dimapur (Nagaland), Shillong (Meghalaya) and Dehradun (Uttarakhand) have been created during F.Y.2019-20. These centres are in the process of being operational.
- These centres evaluate the residual capacities of People with Disabilities and provide them non formal skill training with a view to integrate them in the economic mainstream and make them productive citizens of the country.
- These centres play pro-active role in creating public awareness and community participation in the rehabilitation of persons with disabilities.
- During 2018-19 these Centres have registered 31592, evaluated 31466, and rehabilitated 11721, Persons with Disabilities.
- During 2019-20 (upto 31.09.2019) these Centres have registered 16554, evaluated 16521 and rehabilitated 5690 Persons with Disabilities.
- To synergize the link between demand and

supply of skilled workforce, the Government has established 5 Model Career Centres at NCSC-DAs. The Centres will focus on career counselling as a key activity for youth with disabilities to pursue skill enhancement courses that are market-driven. Outreach counselling sessions and job fairs will be a key activity in these Career Centres.

## **Benefits provided to Differently Abled trainees through DBT (Scheme 3348)**

### **“Stipend to Candidates under Scheme of Vocational Rehabilitation Centre for Handicapped (VRCs)”**

**24.10** At present, there are 21 NCSC for Differently-abled (erstwhile VRC for Handicapped) in the country, which evaluate the residual capacities of the handicapped (referred to as persons with disabilities also) in the categories of Locomotors, Visual & Hearing impaired, Mild Mental Retardation and Leprosy Cured and provide them adjustment training, to facilitate their early economic rehabilitation. No formal job oriented skill training is provided at these centres, however, a stipend @ Rs. 2500/- per trainee per month is paid to the beneficiary undergoing training subject to minimum 80% of the attendance in a particular month. Further rehabilitation services are also extended to the persons with disabilities living in the rural areas through the mobile camps. In FY 2018-19 a total of Rs 1.28 Crore (FE) was allotted for stipend and expenditure incurred is 97.80% of the budget i.e., Rs.1.26 Crore.

## **ASSISTANCE TO DIFFERENTLY ABLED EX-SERVICEMEN AND DEPENDANTS**

**24.11** In order to provide placement services to the Differently Abled Ex-Servicemen/Border Security Force Personnel and the dependants of Defence Service Personnel/Border Security Force personnel killed or severely differently abled in action, against the vacancies reserved for ex-servicemen and earmarked for priority categories,



*Ministry of Labour & Employment*

an Ex-Servicemen Cell was set up in the Directorate General of Employment & Training in July, 1972. Subsequently, the scope of the special service was also extended for the benefit of Ex-Servicemen differently abled during peace time as well as dependants of the Defence Service Personnel killed or severely differently abled in peace time provided that the death or differently abled was attributable to military service, with effect from Feb, 1981. During the year 2019 (Jan to Oct.) 13 differently abled Ex-Servicemen and dependents were registered for Employment Assistance.

### **SERVICES TO PERSONS WITH DISABILITIES THROUGH EMPLOYMENT EXCHANGES:**

**24.12** The Employment Service has been making special efforts to cater to the special needs of Differently Abled job seekers, performance of which for the last five years is given as under :-

#### **Performance of Employment Exchanges in respect of Differently Abled Job-Seekers**

(In thousands)

Year	Registration	Placements	Live Register
2012	54.1	2.1	715.2
2013	30.5	1.9	717.3
2014	28.4	1.7	698.2
2015	42.1	2.8	689.0
2016*	41.3	2.6	681.5

\* Provisional

### **SPECIAL EMPLOYMENT EXCHANGES FOR DEFFERNTLY ABLED:**

**24.13** Although, Employment Exchanges under the National Employment Service are generally responsible for the placement of differently abled, Special Employment Exchanges were also set-up for their selective placement. These

exchanges attempt at securing for the differently abled the most satisfying form of employment suitable to their residual physical and mental potentialities. As reported by the States/UTs, there are 42 Special Employment Exchanges for differently abled and 38 were Special Cells dealing with differently abled job-seekers.

**24.14** Thirty Eight Special Cells for the differently abled with a Special Placement Officer attached to the normal Employment Exchanges and funded by the Central Government have so far been set up by the Ministry of Social Justice & Empowerment. These are in addition to the Special Cells/Units opened for the differently abled applicants at the Employment Exchanges by various State Governments.

#### **24.15 The performance of the Special Employment Exchanges for differently abled job-seekers is given in the following table:**

Year	2012	2013	2014	2015	2016*
Registration	13606	5653	3251	4434	4171
Placement	237	249	61	147	98
Live Register	102687	94657	96251	93197	92284

\*Provisional

### **WOMEN**

**24.16** Year-wise performance of Employment Exchanges in respect of women job-seekers is given below (Table 24.2):

Table 24.2

(In Thousands)

Year	Registration	Placement	Live Register Of Women	Total Live Register	% Of Live Register Of Women To Total Live Register
2007	1835.5	46.5	12001.5	39974.0	30.0
2008	1756.1	51.9	12328.2	39114.9	31.5
2009	1989.9	53.4	12404.7	38152.2	32.5
2010	2005.4	107.1	12924.1	38818.5	33.3
2011	2122.6	85.7	13694.8	40171.6	34.1
2012	3511.0	67.8	15645.8	44790.1	34.9
2013	2233.2	58.7	16549.1	46802.5	35.4
2014	2189.4	60.8	17078.3	48261.1	35.4
2015	2532.7	59.9	15540.0	43502.7	35.7
2016	2256.8	59.7	15731.4	43376.1	36.3
2017* (as on 30.06.2017)	635.5	49.8	15649.5	42809.1	36.6

\* *Provisional: Data after June, 2017 is under process and the figures are reported calendar year wise.*

## MINORITIES

**24.17** In order to have full integration of minorities in all aspects of national life, the State Governments have been advised to ensure that no discrimination is made against minority communities in matters of registration and in sponsoring names by Employment Exchanges. The State Governments have also been advised to create monitoring cells to watch the progress of minorities in the matter of their registration and placement and to instruct the Employment Exchanges to organize mobile Employment Exchange Registration Camps in minority concentration areas.

In all there were 59.9 lakh job-seekers on the Live Registers of Employment Exchanges belonging to the minority communities at the end of December 2016 (Provisional). These account for 13.8% of total job-seekers on the Live Register.

**24.18.** The details of the Budget Estimates of the Schemes of Employment Directorate for Financial Year 2019-20 are given in **Table-24.17** below:

Table-24.17

S. No.	Schemes under Employment Directorate	Financial year 2019-20	
	Schemes/Programmes	Budget Estimates (Cr.)	Expenditure (upto November. 2019).Cr.
1	“Welfare of SC/ST jobseekers through coaching, Guidance and Vocational Training and Introduction of new courses in existing National Career Service Centres (NCSCs) for SC/STs and Establishment of new NCSCs in the states not covered so far”.	18.00	10.49
2	Employment Promotion Scheme	15.79	12.77
3	National Career Service (NCS) Project	50.00	34.69
4	Pradhan Mantri Rojgar Protsahan Yojana	4500	2620.00

## Chapter-25

# GENDER BUDGETING

### 25.1 Broad Based Committee for Gender Analysis and Budgeting:-

The Gender Budget Cell is headed by CCA who is assisted by US (B&A). Chief Controller of Accounts has also initiated the process of updating the Gender Budget-Annual Action Plan for 2019-20. In this connection, various meetings were held with the stakeholders to discuss and prepare the comprehensive Annual Action Plan so that true picture of the Ministry's Gender-wise utilization of funds is reflected in the various Union Budget related statements or documents. In the meantime Broad Based Committee for Gender Analysis and Budgeting is constituted under the Chairperson of Secretary, Ministry of Women and Child Development with Government and private

stakeholders to evaluate and suggest action for moving forward towards addressing gender concerns and reviewing action for advancing Gender Budgeting in which Ms. VibhaBhalla, Joint Secretary, Ministry of Labour & Employment has been nominated as a member.

### WELFARE OF SC/ST

**25.2**The Scheme includes National Career Service Centers for SC/ST to provide confidence building, training programmes and vocational guidance for candidates belonging to that category. These National Career Service Centres have been involved in Pre-Recruitment Training Courses for various Nationalized Banks and agencies.

(Rupees in Crore)

Programme	Expected outcomes / Objective	Gender component of Programme/sub Programme	Total Public Expenditure (Rs.) 2018-19			Public Expenditure on Women/Girls (Rs.) (2018-19)			Gender Disaggregated Beneficiaries (extent of benefits to women) (2018-2019) Targets and Performance number of female beneficiaries/physical/ financial others
			Sch eme	Est.	Total	Sch eme	Est.	Total	
Welfare of SC/ST jobseekers through coaching, Guidance and Vocational Training and Introduction of new courses in existing National Career Service Centres (NCSCs) for SC/STs and Establishment of new NCSCs in the states not covered so far.	To enhance the employability of SC/ST job seekers through Coaching, Guidance & Vocational Training	The programme is both for men and women unemployed educated job seekers.	11.85	10.15	22.00	9.79	7.65	17.44	74145 (46%)

*Ministry of Labour & Employment***(b) A GENDER BASED ANALYSIS(GBA) STATEMENT OF PUBLIC EXPENDITURE AND NUMBER OF BENEFICIARIES DURING 2018-19****(Rupees in Crore)**

Programme	Expected outcomes/ Objective	Gender component of Programme/sub Programme	Total Public Expenditure (Rs.) 2018-19 (Plan & Non-Plan)			Total Public Expenditure (Rs.) on Women/Girls (2018-19) (Plan & Non-Plan)			Gender Disaggregated Beneficiaries (extent of benefits to women) (2018-19) Targets and Performance number of female beneficiaries / physical / financial others
			Plan	Estt. Exp.	Total	Plan	Estt. Exp.	Total	
Assistance to physically handicapped (Differently Abled)	To evaluate residual capacities,providing adjustment training and render assistance in Vocational Rehabilitation.	The Programme comprises both men and women.	13.90	20.78	34.68	7.75	18.12	25.87	21064 (women beneficiaries 28%)





जिनकी मेहनत है देश का आधार, उनकी पेंशन का सपना साकार।

## PRADHAN MANTRI SHRAM YOGI MAAN – DHAN (PM-SYM)

A Pension scheme for unorganized workers

### Features:

- Assured monthly pension of ₹ 3000/- on attaining the age of 60 years,
- Voluntary and contributory pension scheme,
- Matching contribution by Central Government,
- Monthly contribution ranges from ₹ 55 to ₹ 200 depending upon entry age,
- Family pension of ₹ 1500 per month for spouse only,
- Flexible exit and refund with interest.

### Eligibility:

- Age of entry 18-40 years,
- Monthly income not exceeding ₹ 15000/-,
- Should not be a member of EPFO, ESIC, NPS (Govt Funded), NPS-Traders and should not be an income tax payer.

## National Pension Scheme For Traders and Self Employed Persons

### Features:

- Assured monthly pension of ₹ 3000/- on attaining the age of 60 years,
- Voluntary and contributory pension scheme,
- Monthly contribution ranges from ₹ 55 to ₹ 200 depending upon entry age,
- Matching contribution by Central Government,
- Family pension of ₹ 1500 per month for spouse only,
- Flexible exit and refund with interest.

### Eligibility:

- Age of entry 18-40 years,
- Annual turnover not exceeding ₹ 1.5 crore,
- Should not be a member of EPFO, ESIC, NPS (Govt Funded), PM-SYM and should not be an income tax payer.



## NATIONAL CAREER SERVICE



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## EPFO

### Services offered on EPS pensioners' web portal

Jeevan Pramaan Enquiry

Know your PPO Number

PPO Enquiry /Payment Enquiry

Know your Pension Status

<https://mis.epfindia.gov.in/PensionPaymentEnquiry/>

## The rate of contribution under the ESI Act (From 6.5% to 4%)

\*effective from 01.07.2019



**Employer's contribution Reduced**  
(from 4.75% to 3.25%)



**Employees' contribution Reduced**  
(from 1.75% to 0.75%)



सत्यमेव जयते

**Ministry of Labour and Employment**  
Government of India

श्रमेव जयते

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