



*Government of India
Institute of Secretariat Training and Management
(Department of Personnel & Training)*

.....

READING MATERIAL
for
ORIENTATION TRAINING PROGRAMME
of
**ASSISTANTS, SECTION OFFICERS, UNDER
SECRETARIES**
of

**MINISTRY OF LABOUR AND EMPLOYMENT
GOVERNMENT OF INDIA**

Sponsored by
DEPARTMENT OF ADMINISTRATIVE REFORMS & PUBLIC GRIEVANCES
As part of the
DFID funded Capacity Building for Poverty Reduction Programme

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FOREWORD

The utility and need for training in any organization is universally accepted. This is more so in Ministries and Departments of Government of India, where apart from rules and regulations on various subjects, policies in the area of social welfare at National, State and grass-root level are formulated and implemented.

2. The focus of training is generally directed towards foundational level, where the newly recruited officials are required to undergo intensive training on various aspects of administration. Also, the concept of in-service training at various levels focusing on requirements as and when such officials move up on promotion is also firmly established.

3. However, one aspect, which generally goes un-noticed, is when officials are moved from one Ministry/Department to another, as a result of routine transfer policy or on promotion and also, officials directly recruited are allotted Ministries/Departments and join after receiving Foundational Training on general subjects. Such officials are faced with the problem of familiarizing and learning the working of the new Ministry/Department. The concept of any kind of Orientation training, focusing on the need of the Ministry/Department, is by and large not in place. The problem of such officers is more acute in Ministries/Departments implementing National Level policies in various critical sectors like water resources, where the policies/schemes are formulated at National Level but implemented through States at District, Block and Panchayat level. The problem is also acute in Ministries dealing with technical subjects like Ministry of Labour and Employment. The newly posted officers have to handle technical subjects without any familiarization training.

4. The newly posted officials find it extremely difficult to learn about the important policy/schemes and also their implementation mechanism at the block and village level.

5. DARPG as part of the DFID funded Capacity Building for Poverty Reduction Programme has taken initiative to bridge this gap by providing Orientation Training to the officials posted to a ministry on promotion, transfer, deputation or direct recruitment. The task of identifying training needs for such orientation training programme and based on the same, designing training and development of training material has been assigned to ISTM as Consultant.

6. As part of the above endeavour, five ministries were identified and a task team constituted in ISTM to carry out a Training Need Analysis, design an Orientation Programme and conduct one pilot programme in each of the Ministries. The task team successfully completed this activity. It gives me great pleasure to state here that this orientation programme was received extremely well by the Ministries and the participants.

7. As a follow-up of the successful completion of the Orientation Programmes in five Ministries, DARPG entrusted Phase-II of the programme for six identified

Ministries to ISTM. As in the earlier Phase the task included carrying out a need analysis and identifying training needs, design a training programme based on the identified needs and developing training material.

8. To undertake the task assigned, ISTM has constituted a consultancy team consisting of Sh. K.S. Kumar, Joint Director, Sh. Chandan Mukherjee, Deputy Director and Sh. S.K. Dasgupta, former Director, DOPT and Dr.A.N.Chakravarty, former Joint Director, ISTM (as External Consultant).

9. It gives me great pleasure that the consultancy team has conducted extensive research and studies by collecting data through questionnaire and interview along with the literature survey. Based on analysis of the data so collected training needs for the target groups of Assistants, Section Officers and Under Secretaries in Department of Ministry of Human Resource Development.

10. Based on the identified training needs consultancy team has prepared Design brief, training programme brochure and training programme guide for the orientation training for the target groups on their posting to Ministry of Human Resource Development.

11. I am confident that this report of the consultancy team giving training needs, design brief, programme brochure and programme guide for orientation training programme for the target group will prove to be useful in commencing the capacity building initiative in the area which has remained unattended till now.

(KHWAJA M. SHAHID)
DIRECTOR

September 2010

PREFACE

This report is an outcome of DARPG initiative as implementing agency for DFID funded Capacity Building for Poverty Reduction Programme to operationalise Orientation Training Programme for Assistants, Section Officers and Under Secretaries on their posting to the Department of Higher Education, Ministry of Human Resource Development. DARPG assigned the task to ISTM as Consultant, which in turn constituted a consultancy team consisting of the undersigned along with Sh. Chandan Mukherjee, Deputy Director and Sh. S.K. Dasgupta, former Director, DOPT and Dr. A.N. Chakravarty, former Joint Director, ISTM (as External Consultant) to conduct training needs analysis, design training and develop training material. Consultancy team designed questionnaire and check lists for interview to collect data for identifying the training needs of the target groups. Data through questionnaire was collected from 310 officers and 09 officers were interviewed. The consultancy team also undertook extensive literature survey by collecting documents / reports from the Ministry.

2. Based on the data collected and analysis thereof, training needs of the target group have been identified and are given in Chapter –6 of the Report.

3. As the outcome of the identified needs, design brief, training design, programme brochure and programme guide indicating aim, objectives, contents, methodology, deliverables, evaluation and assessment parameters for Orientation Training Programme have been prepared and are at Chapter 7 to 10.

4. The consultancy team hopes that this report will facilitate operationalisation of Orientation Training Programme for Assistants, Section Officers and Under Secretaries on their posting to new ministry and lead to enhanced productivity and improved decision making. We look forward to constructive suggestions / comments for improving our efforts, both in content and context.

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ACKNOWLEDGEMENT

The initiative taken by Department of Administrative Reforms and Public Grievances to institutionalize a system of Orientation Training as a pilot project in five Ministries will go a long way in increasing efficiency and productivity of the concerned Ministries. The Institute of Secretariat Training and Management (ISTM) and the Consultancy Team express their deep gratitude to Department of Administrative Reforms and Public Grievances for entrusting this responsibility to them, which involves the entire gamut of collection of data, identification of training needs, design of training and also preparing the training material.

2. The Consultancy team is grateful to Secretary, Department of Administrative Reforms and Public Grievances and all other officers of the Department for their guidance and assistance extended to the team from time to time.

3. The Consultancy Team is grateful to Shri B.L.Tikania, Deputy Secretary for coordinating the visit of the team to the Ministry for collection of data and for facilitating meeting with other officers to ascertain their views. The Team is also grateful to all the officers of his Division for providing relevant material pertaining to the Ministry and also, copies of various circulars issued by the Ministry from time to time.

4. The Consultancy Team is grateful to Sh. Virender Singh, Director, Sh. K.M. Gupta, Economic Adviser, Sh. Devender Singh, Director, Sh. Vikas, Director, Sh. H.K. Jethi, Deputy Secretary, Sh. B.L. Tikania, Deputy Secretary, Ms. Vandana Sharma, Deputy Secretary, Sh. D. Bandopadhyaya, Senior Analyst, Sh. Arun Kumar Sarkar, Section Officer for sparing their valuable time for interacting with the Team and providing valuable suggestions and information relating to Orientation Training in the Ministry.

5. Dr. Khwaja M. Shahid, Director, ISTM has been a great source of strength and morale-booster by providing necessary guidance and assistance to the Consultancy Team as and when required. The Team is grateful to Dr. Shahid for guidance in undertaking the task.

6. Last but not the least the Consultancy Team acknowledges the contribution and assistance provided by the supporting staff consisting of Smt. Veena Monga, Smt. Binita Pandey, Shri Ravi Shankar, and Shri Attar Chand. But for their untiring efforts, the Team could not have succeeded in submitting this part of the Report.

K.S.Kumar,

Chandan Mukherjee,

S.K. Dasgupta and A.N.Chakravarty

CONSULTANCY TEAM

- Sh. K.S.Kumar, Joint Director, ISTM
- Sh. Chandan Mukherjee, Deputy Director, ISTM
- Sh. S.K. Dasgupta, (Former Director, Government of India), External Consultant
- Dr. A.N. Chakravarty, (Former Joint Director, ISTM)

STAFF MEMBERS

- Smt. Veena Monga, PA
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Dr. Khwaja M. Shahid, Director, ISTM

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CHAPTER –1

ORGANISATIONAL STRUCTURE & FUNCTIONS

LABOUR JURISDICTION

1.1 Under the Constitution of India, Labour is a subject in the Concurrent List where both the Central and the State Governments are competent to enact legislations subject to certain matters being reserved for the Centre.

LABOUR JURISDICTION: CONSTITUTIONAL STATUS

Union List	Concurrent List
Entry No.55-Regulation of labour and safety in mines and oil fields.	Entry No.22-Trade Unions; 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 institution 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.

STRUCTURE AND FORMATION

1.2 The Ministry has the following four attached offices and ten subordinate offices, four autonomous organisations, twenty-two adjudicating bodies and one arbitration body.

ATTACHED OFFICES

Directorate General of Employment & Training (DGE&T)

1.3 This Office is responsible for laying down the policies, standards, norms and guidelines in the area of vocational training throughout the country and also for coordinating employment services.

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

1.4 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 union 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)

1.5 This Directorate is concerned with formulation of policy relating to the safety, health and welfare of workers in factories and docks. It is responsible for coordinating the implementation of the measures of the Factories Act, 1948 by the State Governments and formulation of Model Rules there under. It is also concerned with the administration of the Dock Workers (Safety, Health and Welfare) Act, 1986. It undertakes research in industrial safety, occupational health, industrial hygiene, industrial psychology and industrial physiology. It provides training mainly in the field of industrial psychology and industrial safety & health including a diploma course of one year duration in industrial safety. The Diploma is an essential qualification for appointment of Safety Officers in factories. Regular in-service training of Factory Inspectors is another important activity of the organisation.

Labour Bureau

1.6 The Bureau with its headquarters at Chandigarh and Shimla, is responsible for collection, compilation and publication of statistical and other information regarding employment, wages, earnings, industrial relations, working conditions etc. It also compiles and publishes the Consumer Price Index Numbers for industrial and agricultural/rural workers. The Bureau further renders necessary assistance to the States for conducting training programmes in labour statistics at State/District/Unit levels.

SUBORDINATE OFFICES

Directorate General of Mines Safety (DGMS)

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

Welfare Commissioners

1.8 The nine Offices of Welfare Commissioners are responsible for providing welfare facilities to the workers employed in mica, limestone and dolomite, iron ore, manganese and chrome ore mines and in the beedi and cinema industries. These offices are located at Allahabad, Bangalore, Bilwara, Bhubaneswar, Kolkata, Hyderabad, Jabalpur, Karma (Jharkhand) and Nagpur.

AUTONOMOUS ORGANISATIONS

Employees' State Insurance Corporation (ESIC)

1.9 The Corporation 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 injury, pensions for dependents on the death of workers due to employment injury etc.

Employees' Provident Fund Organisation (EPFO)

1.10 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)

1.11 The Institute, with its headquarters at Noida (U.P) 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.

Central Board for Workers' Education (CBWE)

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

ADJUDICATING BODIES

Central Government Industrial Tribunal-cum-Labour Courts (CGITs)

1.13 In all, 22 (twenty two) Industrial Tribunal-cum-Labour Courts have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of the industrial disputes in organisations for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh (two courts each) and one each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneswar, Ahmedabad, Ernakulam, Asansol and Guwahati.

ARBITRATION BODY

Board of Arbitration (Joint Consultative Machinery)

1.14 The Board, with its headquarters at New Delhi, set up under the Scheme for Joint Consultative Machinery and Compulsory Arbitration is an institution for compulsory arbitration of disputes between employees and the Government and on matters of pay and allowances, weekly hours of work and leave of a class or grade of employees.

Main Subjects dealt in the Ministry of Labour and Employment

1.15 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: -

1.16 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, 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 and Vocational training, Administration of Central Labour & Employment Services, International Cooperation in Labour & Employment matters.

CENTRAL LABOUR SERVICE (CLS)

1.17 The Central Labour Service (CLS) was constituted with effect from 3rd February 1987 to ensure better industrial relations, labour law enforcement and labour welfare. Consequent upon the Cadre Review, the Central Labour Service (CLS) was notified as an organized service in 2004.

1.18 The factories and mines employing 500 or more workers and plantations employing 300 or more workers are required to appoint a prescribed number of welfare officers under the relevant statutes. Assistant Labour Welfare Commissioners (Central) and Deputy Labour Welfare Commissioners (Central) under the supervision of Welfare Commissioners discharge these 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 in resolution of workers grievances, these officers prevent them from escalating into industrial disputes.

1.19 In addition, officers appointed as Assistant Labour Commissioners (Central), Regional Labour Commissioners (Central), Deputy Chief Labour Commissioner (Central) in the Central Industrial Relations Machinery (CIRM), headed by the Chief Labour Commissioner (Central) are also entrusted with the task of maintaining good industrial relations in the Central sphere. The officers of the CLS 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 the Welfare Funds for beedi, cine and certain categories of non-coal mine workers.

WORK STUDY

1.20 With a view to bringing about administrative reforms, determining the staffing patterns and designing suitable organisational structure and methods of work, the Internal Work Study Unit has been entrusted with Work measurements Studies, Method Studies, records Management Studies and Organisations & Methods (O&M) Inspections of various Sections and field offices under the administrative control of the Ministry of Labour & Employment. With regard to O&M matters, the unit is guided by the Department of Administrative Reforms and Public Grievances and in respect of work relating to Work Measurement Studies, it is guided by the Staff Inspection Unit of the Department of Expenditure, Ministry of Finance. At the beginning of the financial year, an Annual Action Plan of programmes of O&M activities and studies is prepared in consultation with the various Offices/ Sections/ Units including the attached and subordinate offices.

The Internal Work Study Unit functions under the Financial Adviser (L&E) and works through the Controller of Accounts, Senior Analyst and Junior Analysts.

RECORDS MANAGEMENT

1.21 With a view to facilitating easy access to public records as envisaged in the Right to Information Act, 2005, due emphasis is being given to the importance of proper management of records in the Ministry in accordance with provisions of the Central Secretariat - Manual of Office Procedure, Public Records Act, 1993 and Public Records Rules, 1997. Also, Records Management aspect has been one of the agenda items in the O&M meetings taken by Secretary (L&E) wherein the necessity of proper management of records, including launching of Special Drives is inter-alia emphasized.

CAREER MANAGEMENT AND TRAINING (CMT)

1.22 The substantial function of Career Management and Training (CMT) Unit is to organize training programmes on a decentralized basis for LDCs, UDCs and Stenographers etc. and to nominate Officers and members of staff of the Ministry and its attached & subordinate offices and other autonomous organizations under its administrative control, to the Institute of Secretariat Training and Management as well as other such Training Institutes for different training programmes. Also this unit makes arrangements for the need based training programmes for officers and staff members of the Ministry, viz. computer applications for the officers/officials through corporate trainers; and behavioural skills and service matters for Group 'D' staff through corporate and in-house trainers.

1.23 A Training Curriculum suited to the requirements of Group 'D' employees who do not possess the minimum prescribed qualifications was prepared. All Staff Members of Group D Employees of this Ministry have been imparted for training to improve their working skills and performance conducted by V. V. Giri National labour Institute, Noida as per recommendations of the Sixth Central Pay Commission for fixation of pay. After successfully completion of the training they got revised pay i.e. PB- I as per recommendations of the Commission.

FINANCE WING

1.23 Finance Wing is mainly responsible and to give advice on all financial and allied proposals, preparation of budget and revised estimates related to services concerning the Ministry of Labour and Employment (Main Secretariat) proper and the attached and subordinate offices, Performance Budget, expenditure control and financial review, work measurement suites, internal audit etc.

1.23 The Controller of Accounts, who is responsible for cash management, heads the accounting set-up. The important tasks and activities of the Integrated Finance Division are :-

- to advise the Administrative Ministry on all matters falling within the field of delegated powers;
- to screen all expenditure proposals required to be referred to the Finance Ministry for concurrence or comments;

- to ensure that the schedule for preparation of budget is adhered to by the Ministry and the budget is drawn up according to the instructions issued by the Ministry of Finance from time to time;
- to scrutinize budget proposals thoroughly before sending them to the Ministry of Finance;
- to see that complete departmental accounts are maintained in accordance with the requirements under the General Financial rules;
- to keep itself closely associated with the formulation of Schemes and important expenditure proposals from their initial stages;
- to associate itself with the evaluation of progress/performance in the case of projects and other continuing schemes and to see that the results of such evaluation studies are taken into account in the budget formulation;
- to watch the settlement of audit objections, Inspection Reports, draft audit paras etc.;
- to ensure prompt action on audit Reports and Appropriation Accounts, Reports, Reports of the Public Accounts Committee, Estimates Committee and Committee on Public Undertakings;

CHAPTER-2

INDUSTRIAL RELATIONS CENTRAL INDUSTRIAL RELATIONS MACHINERY (CIRM)

BRIEF REPORT ON ACTIVITIES OF CLS's (C) ORGANISATION

2.1 The Chief Labour Commissioner's (Central) [CLC(C)] Organisation, also known as Central Industrial Relations Machinery (CIRM), is an attached office of the Ministry of Labour and Employment. The CIRM is headed by the Chief Labour Commissioner (Central). It has been entrusted with the task of maintaining Industrial Relations, enforcement of Labour Laws and verification of Trade Union Membership in central sphere. CIRM has a complement of 18 officers at the Head Quarters and 250 Officers in the field. The offices of CIRM are spread over different parts of the country with zonal, regional and unit level formations.

FUNCTIONS OF THE ORGANISATION

The functions of CIRM are given as under:

FUNCTIONS OF CIRM
<ul style="list-style-type: none">➤ Prevention and settlement of Industrial Disputes, in the Central Sphere;➤ Enforcement of Labour Laws and Rules made thereunder in the Central Sphere;➤ Implementation of awards➤ Quasi-Judicial functions➤ Verification of the membership of the Trade Unions➤ Welfare➤ Other Miscellaneous functions

PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES

2.2 The CIRM ensures harmonious industrial relations in the Central Sphere establishments through:-

- Monitoring of industrial relations in the 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 the Industrial Disputes Act, 1947 relating to: (1) Works Committee (2) Recovery of Dues, (3) Lay off (4) Retrenchment, (5) Unfair Labour Practices etc.

ENFORCEMENT OF LABOUR LAWS:

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

- (i) The Payment of Wages Act, 1936 & Rules made there under for Mines, Railways, Air Transport Services & Docks, Wharves and Jetties.
- (ii) The Minimum Wages Act, 1948 and Rules.
- (iii) The Contract Labour (Regulation & Abolition) Act, 1970 and Rules.
- (iv) The Equal Remuneration Act, 1976 & Rules.
- (v) The Inter-State Migrant Workmen (RE&CS) Act, 1979 and Rules.
- (vi) The Child Labour (Prohibition & Regulation) Act, 1986 and Rules.
- (vii) The Payment of Gratuity Act, 1972 and Rules.
- (viii) The Labour Laws (Exemption from Furnishing returns and Maintaining Registers by certain Establishments) Act, 1988
- (ix) The Building and other Constructions workers (Regulations of Employment & Conditions of Service) Act, 1996 and Rules.
- (x) Chapter VI-A of Indian Railway Act; Hours of Employment Regulations for Railways Employees.
- (xi) The Industrial Employment (Standing Orders) Act, 1946 & Rules.
- (xii) The Maternity Benefit Act, 1961 (Mines and Circus rules, 1963) & Rules.
- (xiii) The Payment of Bonus Act, 1965.

2.4 There are approximately 1.5 lakh establishments in the Central Sphere. The Inspecting officers of CIRM inspect these establishments under different Labour enactments through routine inspections, special drives for inspections under the crash inspection programmes and taskforce inspections to secure benefits of the beneficial legislations to workers. 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 unorganised sector. Prosecutions are launched against persistent defaulters and in respect of major violations. Details for the year 2008-09 are given as under:-

QUASI-JUDICIAL WORK

2.5 CIRM officers from the level of Assistant Labour Commissioner (Central) {ALC(C)} up to the level of Chief Labour Commissioner (Central) {CLC(C)} also perform certain Quasi Judicial Functions as shown below:

CLC(C) - Director General (Inspection) under the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996, Appellate Authority under Industrial Employment (Standing Orders) Act, 1946.

DY.CLC(C) - Appellate Authority under the Industrial Employment (Standing Orders) Act, 1946. Authority under Rule 25(2)(v)(a) and (b) of the Contract Labour (Regulation and Abolition), Rules 1971

RLC(C) - Authority under the Minimum Wages Act, 1948. Appellate Authority under the Contract Labour (Regulation and Abolition), Rules 1971. The Payment of Gratuity Act, 1972 officer under Industrial Employment (Standing Orders) Act, 1948, Supervisor of Railway Labour under Hours of Employment & Regulation Act, 1889.

ALC(C) - Controlling Authority under Payment of Gratuity Act, 1972; Authority under Equal Remuneration Act, 1976; Registering and Licensing Officer under Contract Labour (Regulation and Abolition) Act, 1970.

VERIFICATION OF MEMBERSHIP OF CENTRAL TRADE UNION ORGANISATION:

2.6 The General Verification of membership of trade unions affiliated to Central Trade Union Organisation (CTUOs) is an important exercise, which is undertaken by the CLC(C) organisation. The purpose of general verification is to give representation to CTUOs in the International and National conferences; Committee, Councils, Wage Boards, etc.

2.7 The General Verification with date of reckoning as 31.12.2002 was completed and the final result was sent to Ministry of Labour and Employment on 31.12.2007 and the result of general verification was declared notified by the Ministry of Labour & Employment on 11.01.2008.

Statutory verification of membership of unions operation in Nationalized Banks:

2.8 Verification of membership of trade unions operating in 27 nationalized banks, State Bank of India and their subsidiary banks is conducted under four statutory rules/schemes viz. State Bank of India (Appointment of Employee Director rules, 1974); The Nationalized Banks (Management and Misc. Provisions) Scheme 1970; The Nationalized Banks (Management and Misc. Provisions) Scheme 1980 and the Subsidiary Banks (Appointment of Employee Director Rules, 1974).

2.9 According to the new procedure the management of the bank shall be advised by the Central Government, one year before the expiry of the tenure of the incumbent workmen directors, to verify the membership strength of the unions belonging to workmen employee of the bank for the purpose of determination of representative union. The management of the Bank, the Chairman-cum Managing Director or Executive Director shall nominate an officer at the level of General Manager as the Designated Officer, who shall make the aforesaid verification. The verification of the membership of the union, Federation, or Association is to be done on the basis of the deduction made from the salary of the workmen, for the month of March of the relevant year based on the check off mandate. The designated officer shall finalize the verification of membership of the union and submit his report to the Central Government through the CMD or in his absence through the E.D. of the bank.

2.10 An appeal shall lie against the report of the Designated Officer before the Appellate Authority i.e. Dy. CLC(C) if the difference in membership contested or objected is more than 5% of the total workmen employee strength of the bank or to change the status of the representative union. Any union, Federation or

Association having objection to the status of representative union as determined by the Designated Officer may file on appeal before the appellate authority in writing within 7 days from the date of issue of such report by the Designated Officer.

MISCELLANEOUS FUNCTIONS

2.11 The CIRM performs the following miscellaneous functions also:-

- Conducting periodic meetings of Minimum Wages Advisory Board and notifying Variable Dearness Allowance every six months as per A.I.C.P.I. number.
- Defending the Ministry of Labour and Employment in Writ Petitions filed against the Ministry in different High Courts.
- Investigations of Complaints as per direction of the Ministry of Labour and Employment.
- Assisting Central Advisory Contract Labour Board as conveners of different sub-committees to examine prohibition of contract Labour in different employments.
- Assisting the Ministry in preparation of different reports required to be submitted to International Labour Organisation.
- Supplying information to the Ministry in replying Parliament Questions on statutes enforced by CLC (c) organization.
- Advising the Ministry of Labour and Employment in conflict situations like strike of All India Nature and other Labour matters.
- Attending to Parliamentary Committees and other important delegations as per the advice of the Ministry.
- Keeping Liaison with State Government Labour Departments for collection of information as per direction of the Ministry.
- Assisting the Ministry of Labour and Employment in training of Central Labour Service Officers.

WELFARE

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

VISION STATEMENT OF CLC (C) ORGANISATION

- To simplify labour laws capable of protecting the interests of social partners and economy.
- To secure social security measures for workmen in unorganised sectors through umbrella legislation.
- To further improve conciliation services, administration and enforcement of labour laws to meet the expectations of social partner and future changes in

- economy and global scenario through a system of meaningful dialogue and regular interactions with them.
- To secure national minimum wages for workers in all employments.
 - To equip the CLC's (C) organisation with trained and motivated officials with proper orientation through continuous training and development programmes.
 - To maintain a data bank at the national level relating to industrial relations, administration and enforcement of labour laws with facilities of continuous updating through computer network across the country.

Trade Unions Act, 2006

2.13 The Trade Union Act, 1926 provides provisions for registration of trade union of employees and workers and in certain respects, it defines the law relating to registered trade unions. It confers legal and corporate status on registered trade unions. The Act is administered by the concerned State Governments.

2.14 The Trade Unions Act, 1926 has been amended and enforced w.e.f. 09.01.2002. The objective of these amendments, in brief, is to ensure orderly growth of trade unions and reduce multiplicity of trade unions and promote internal democracy.

Amendment proposals to the Industrial Disputes Act, 1947

2.15 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.

2.16 The Industrial Disputes (Amendment) Bill, 2009 was introduced in the Rajya Sabha on 26.02.2009 and has been referred to Parliamentary Standing Committee on Labour for examination and report. The Parliamentary Standing Committee on Labour has recommended the proposal on 09.12.2009. Further necessary action is being taken up.

Plantations Labour Act, 1951

2.17 The Plantation Labour Act, 1951, is a Central Act enacted by the Union Government in 1951. The Act is in operation since 1954. The Act is enforced by the respective State Governments, who designate Chief Inspectors under the Act. The Chief Inspectors under the Act, on the basis of rules framed by the respective State Governments ensure implementation of welfare measures relating to medical facilities, educational facility, housing facilities, drinking water facility, sanitation and conservancy etc. However, since 1951, the socio-economic conditions, the infrastructure facilities and the welfare activities of the State Governments have evolved significantly.

2.18 The Plantation Labour (Amendment) Bill, 2008 was introduced in the Rajya Sabha on 21.10.2008 and had been referred to Parliamentary Standing Committee

on Labour for examination and report. The Parliamentary Standing Committee on Labour has submitted its report to the Rajya Sabha on 13.02.2009. The comments of Ministry of Commerce & Industry and Plantation States which were called for on the observations of the Parliamentary Standing Committee on Labour have been received. Further necessary action is being taken up.

Monitoring of Industrial Relations

2.19 The Ministry monitors the extent of industrial harmony based on the information that it collects on the number and spatial dispersion of strikes/lockouts, number of workers involved and man days lost, number of units reporting retrenchment and the extent of lay offs.

2.20 The Spatial/industry wise dispersion of the number of strikes and lockouts and the workers consequently affected is not uniform.

2.21 Most of the industrial unrest, as indicated by strikes and lockouts has been primarily related to indiscipline & violence, wages and allowances, personnel matters. During 2009 (Provisional), wages & allowance was the major casual factor.

Lay-Off

2.22 Lay-off can be defined as the failure, refusal or inability of an employer on account of shortage of power, raw materials, accumulation of stocks or breakdown of machinery, to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched. It is usually an indication of the supply side bottlenecks faced by the industrial unit leading to low capacity utilization.

Retrenchment

2.23 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 this Ministry, applications are received from CPSUs and other establishments falling in the Central sphere. These applications are examined and a 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 as to granting or not granting permission for closure, retrenchment or lay-off is taken. Wherever permission is granted, it is ensured that workers' interests are protected as far as possible.

Industrial Tripartite Committees

2.24 Industrial Tripartite Committees (ITCs) have been constituted with the view to promote the spirit of tripartism. These tripartite bodies provide a forum whereby the social partners through dialogue can appreciate the problems of industries and workers affected by Economic Reforms. These Committees are

non-statutory Standing Committees meeting of which are convened as and when required. Government's proactive role has successfully harmonized the interest of the employers and the workers resulting in a change of attitude from confrontation to that co-operation.

2.25 There are seven Industrial Tripartite Committees (ITCs) one each on Cotton Textiles, Jute, Road transport, Electricity Generation & Distribution, Engineering, Sugar and Plantation industry to discuss the labour related issues concerning to that particular industry.

ADJUDICATION

2.26 In all 22 (twenty two) Industrial Tribunal-cum-Labour Courts (CGITs) have been set up under the provisions of the Industrial Disputes Act, 1947 for adjudication of the industrial disputes in organisations for which the Central Government is the appropriate Government. These Tribunals are located at Dhanbad (Jharkhand), Mumbai, New Delhi and Chandigarh(two courts each) and one each at Kolkata, Jabalpur, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneswar, Ahmedabad, Ernakulam, Asansol and Guwahati.

2.27 In order to take care of the huge pendency of unsolved industrial disputes, Lok Adalats have been introduced as an alternative grievances redressal mechanism within the adjudication system of CGITs from the 10th Five Year Plan. The objective is to settle industrial disputes through this parallel forum. Cases, which are relatively uncomplicated, are taken up for adjudication through this system. However its success depends on the readiness of the litigating parties for getting their cases settled through this method. The Presiding officers of the CGITs play the role of facilitators.

2.28 In the XI Plan, this mechanism of Lok Adalats has been made an indispensable part of the adjudication system.

BOARD OF ARBITRATION (JOINT CONSULTATIVE MACHINERY)

2.29 Government of Indian had introduced in 1966 a Scheme for Joint Consultative Machinery and Compulsory Arbitration for resolving differences between the Government as an employer and the general body of its employees.

2.30 The Scheme provides for compulsory arbitration on Pay and Allowances, Weekly hours of work and leave of a class or grade of employees. Under the Scheme the Board of Arbitration (JCM) was set up in July, 1968. The Board consists of a Chairman and two other members. The Chairman is a whole time person. The Ministry of Labour appoints the other two members at the time of referring the dispute to the Board out of a panel of members from the Staff Side as well as from the Official Side maintained by it.

2.31 The Board has given 257 Awards out of 259 references referred to them. Presently the post of Chairman, Board of Arbitration is lying vacant. The process to fill up the vacant posts is in advance stage.

CHAPTER -3

PRODUCTIVITY

3.1 Productivity is a measure of efficiency with which resources, both human and material, are converted into goods and services.

- Faster rate of economic growth can be ensured through accelerated production and higher productivity in all branches of economic activity. The productivity of human resources (labour), being an important input besides land and capital, plays a significant role in determining the overall economic growth of a nation.
- Apart from the level of human skills, the quantity of raw material and the technology employed are also responsible for productivity of human resources.

LABOUR PRODUCTIVITY

3.2 The labour productivity growth in India measures in terms of growth in real GDP per person employed is worked out to be ranging from 1.16% in 2002 to 6.79% during 2006 thus maintain a satisfactory higher level in labour productivity on a continuous basis during the last 5 years. The labour productivity growth in India was 5.84% and 6.13% during 2004 and 2005 respectively. It may be noted that India's labour productivity growth during 2005 was the second highest among the 17 APO member countries. The labour productivity growth during 1995 to 2005 in India has all along been better than the comparative position in respect of benchmark countries such as United States (Excepting China). Thus indicating the shift betterment of Indian economy through higher labour productivity in all these years of globalization.

3.3 The observation in World Employment Report, 2004-05, ILO in respect of variations in Labour Productivity among different countries need to be kept in mind for comparing the labour productivity among different countries, which is given as quoted below:

"There is wide variation in labour productivity among different countries in the world owing to a host of factors, most of which are directly and positively related to the level of economic development of the countries concerned. It is important to underscore the fact that differences in labour productivity levels have essentially nothing to do with differences in how hard workers work- on the contrary they often indicate differences in working conditions. A poor worker in a developing country can work long hours, strenuously, under bad physical conditions, but yet have low labour productivity and, therefore, receive a low income because he or she lacks access of technology, education or the factors needed to raise productivity. Similarly a worker in a highly developed economy may have high labour productivity despite working relatively fewer hours.

MEASURES FOR INCREASING LABOUR

PRODUCTIVITY

3.4 Increasing labour productivity is not an automatic process. A developing country needs to have a certain level of human capital, and technological and industrial endowment in order to reap the benefits of higher labour productivity under the regimes of free trade and consultancy services in both the formal and informal sectors during liberalization. It also requires substantial investment in vocational training facilities in order to enable job aspirants to harness emerging employment opportunities while making the final products globally competitive.

3.5 The basic thrust for enhancing labour productivity throughout the country is emphasized by way of overall skill development and up-gradation through:

- General upgradation of existing trade/introduction of multi skill trade by upgradation 500 ITIs into Centres of Excellence;
- Upgradation of 1396 ITIs under Public Private Partnership through Tripartite Management Committee;
- Skill Development initiative through Modular Employable Skills;
- Establishment and up gradation of ITIs in North Eastern States, Sikkim and Jammu & Kashmir;
- Training for industrial workers for skill upgradation;
- Align and start courses as per industrial needs;
- Introducing courses on Information Technology;
- Industry-Institute linkages

NATIONAL PRODUCTIVITY COUNCIL

3.6 The National Productivity Council is an autonomous body and is a partly funded by the Government of India:-

- It aims at dissemination of knowledge and experience in productivity, promotion of consciousness and improvement in productivity, strengthening of the performance and competitiveness of the economy and improving the conditions and quality of working life.
- It operates through 13 Regional Professional Management Groups (RPMGs).
- The Ministries of the Government of India and representatives of employers' and workers' organisations are members of the Council.
- It undertakes training programmes in the area of management services, industrial training and human resource development and also provides consultancy services in both the formal and informal sectors of the company.
- It has instituted National Productivity Awards for selected sectors of the economy such as agriculture and food processing industries with the objective to recognize the enterprises, which excel in productivity performance and to motivate other enterprises to enhance their productivity.

PRIME MINISTER'S SHRAM AWARDS

3.7 To give recognition to outstanding contribution 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 and Employment administers a scheme entitled 'Prime Minister's Shram Awards' for workers (as defined in Industrial dispute Act, 1947) employed in departmental/public sector undertakings of the Central/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 workers are eligible for the awards, who are engaged 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.

CHAPTER-4

WAGES

Introduction

4.1 Even though there is no uniform and comprehensive wage policy for all sectors of the economy in India, a mechanism exists for determination of wages in the organized and Unorganized sectors and their enforcement. Wages in the organized sector are determined through negotiations and settlements between employer and employees. In the unorganized sector, where labour is vulnerable to exploitation due to illiteracy and lack of effective bargaining power, the minimum rates of wages are fixed both by Central and 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 to the workers the minimum wages so fixed from time to time.

Minimum Wages Act, 1948

4.2 On the recommendation of the 8th Standing Labour Committee, the Minimum Wages Bill was introduced in the Central Legislative Assembly on 11.04.1946 to provide for fixation of minimum wages in certain employments. The Minimum Wages Bill was passed by the Indian Dominion Legislature and came into force on 15th March 1948. Under the Act both State and Central Government are "Appropriate Governments" for fixation/revision of minimum rates of wages for employments covered by the Schedule to the Act. 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 April and October. The Central Government and twenty-six States/UTs have adopted VDA as a component of minimum wage. The range of wages for the unskilled workers as fixed/revised in respect of employments covered under Central and State sphere are at **Table 5.1**.

National Floor Level Minimum Wage

4.3 In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, a concept of National Floor Level Minimum Wage, 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 fixed the National Floor Level Minimum Wages at Rs. 80/- per day with effect from 01.09.2007.

Central Advisory Board (CAB)

4.4 Amendments discussed in the 40th session of ILC held on 9th & 10th Dec, 2005 are under consideration of the Government. The matter was further discussed in the meetings of reconstituted Central Advisory Board on Minimum Wages held on 22nd February 2008 and 7th July, 2008. The draft note for Cabinet for amendment in Minimum Wages Act, 1948 is under formulation stage. The Minimum Wages Act 1948 was last amended in the year 1986.

Minimum Wages Advisory Board (MWAB)

The Payment of Wages Act, 1936

4.5 The Payment of Wages Act, 1936 was enacted to regulate payment of wages to workers employed in industries and to ensure a speedy and effective remedy to them against illegal deduction and/or unjustified delay caused in paying wages to them. The wage ceiling under Payment of Wages Act, 1936, was fixed at Rs. 1600/- p.m. in 1982. With a view to enhance the wage ceiling to Rs. 6500/- p.m. for applicability of the Act, to empower the Central Government to further increase the ceiling in future by way of notification and to enhance the penal provisions etc., the Payment of Wages (Amendment) Act, 2005, which was passed by both Houses of Parliament, has been notified on 06.09.2005 as an Act 41 of 2005 by the Ministry of Law & Justice. Subsequently, the Ministry of Labour & Employment has issued the Notification S.O. 1577(E) to make the Payment of Wages (Amendment) Act, 2005 effective from the 9th November 2005. In exercise of the powers conferred by sub-section (6) of Section 1 of the Act, the Central Government, on the basis of figures of the Consumer Expenditure Survey published by National Sample Survey Organization, has enhanced the wage ceiling from Rs. 6500/- to Rs. 10,000/- per month vide gazette notification No. S.O. 1380 (E) dated 8th August, 2007.

The Payment of Wages (Nomination) Rules, 2009

4.6 In pursuance of the recommendation of the Special Task Force set up by the Ministry of Women and Child Development on complete legal equality to women, the Central Government has notified the Payment of Wages (Nomination) Rules, 2009, Vide notification GSR No 822 (E) dated 29th June, 2009 defining the procedure for nomination and restricting the nomination by workers to his family members as far as applicable in exercise of powers conferred by sub-section (5) of section 26 of the Payment of Wages Act, 1936.

The Payment of Bonus Act, 1965:

4.7 The payment of Bonus Act, 1965 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.

4.8 The minimum bonus of 8.33% is payable by every industry and establishment under the 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 the section 31 A of the Act.

4.9 Two ceilings are available under the Payment of Bonus Act, 1965. Section 2(13), which defines an employee, is generally known as the eligibility limit and 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 two ceilings revised over the years are as follows:

SL. No.	Year of Amendment	Eligibility limit (Rs. Per Month)	Calculation ceiling (Rs. Per Month)
1.	1965	Rs. 1600	Rs.750
2.	1985	Rs. 2500	Rs.1600
3.	1995	Rs. 3500	Rs.2500
4.	2007	Rs. 10000	Rs.3500

4.10 At present employees drawing salary or wage not exceeding Rs. 10,000/- per month in any industry to do any skilled or unskilled, manual, supervisory, managerial, administrative, technical or clerical work for hire or reward are eligible for payment of Bonus. The eligibility limit and calculation ceiling under clause 13 of section 2 and Section 12 of the Act respectively were last revised from Rs. 3,500/- to Rs. 10,000/- Per month and from Rs. 2500/- to Rs. 3500/- per month, in the year 2007 and made effective from 1st April, 2006.

WAGE BOARDS

4.11 In the 1950s and 60s, when the organized labour sector was at a nascent stage of its development without adequate unionization or with trade unions without adequate bargaining power, Government in appreciation of the problems which arise in the arena of wage fixation, constituted various Wage Boards. The Wage Boards are tripartite in character in which representative of workers; employers and independent members participate and finalize the recommendation. The utility and contribution of such boards in the present context are not beyond question. Except for the Wage Boards for Journalists and Non-Journalists newspaper employees, which are statutory Wage Boards, all other Wage Boards are non-statutory in nature.

4.12 The National Commission on Labour (NCL) has recommended that 'there is no need for any wage board, statutory or otherwise, for fixing wage rates for workers in any industry'. However, Government decided not to accept the recommendations regarding the statutory wage boards i.e. Wage Boards for Working Journalists and Non-Journalists Newspaper Employees under the Working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955.

WAGE BOARDS FOR NEWSPAPER EMPLOYEES

4.13 The Working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955 provides for regulation of conditions of service of working journalists and other persons employed in newspaper establishments. The Section 9 and 13 C of the Act, inter alia, provides for setting up of Wage Boards for fixation and revision of rates of wages in respect of working journalists and non-journalists 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-journalists 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 High Court or the Supreme Court, and who shall be appointed by the Government as the Chairman thereof.

4.14 The Act does not lay down the periodicity for constituting the Wage Boards. The Wages Board for such employees were set up in the years 1956, 1963, 1975, 1985 and 1994.

4.15 The Government has constituted two new Wage Boards one for Working Journalists and other for Non-Journalists Newspaper Employees under Sections 9 and 13 C respectively of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 vide notifications in the Gazette of India (Extra Ordinary) S.O. Nos. 809 (E) and 810 (E) dated 24.05.2007. The Wage Boards have been given three years time to submit their report to the Union Government. The Wage Boards are functioning from their Headquarters at New Delhi.

4.16 The Government, in consultation with the Wage Boards for working journalists and non-journalist newspaper employees, has notified the grant of interim rates of wages to journalists and other newspaper employees and new agency employees at the rate of 30% of the basic wage with effect from 8th January, 2008 vide notifications S.O. No. 2524 (E) and S.O. No. 2525(E) dated 24th October, 2008.

4.17 The Government has appointed Justice G.R. Majithia, retired Judge of High Court of Bombay as common Chairman of the two wage Boards, one for Working Journalists and the other for Non-Journalists Newspaper Employees in place of Justice K. Narayana Kurup who resigned w.e.f 31.08.2008. Justice G.R. Majithia has assumed charge on 04.03.2009.

CHAPTER -5

SOCIAL SECURITY

5.1 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 legislation in India derives 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

5.2 The principal social security laws enacted in India are the following:-

- 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 Workmen's Compensation Act, 1923
- The Maternity Benefit Act, 1961
- The payment of Gratuity Act, 1972

ADMINISTRATION OF SOCIAL SECURITY ACTS

5.3 The provisions of the Workmen'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 under the Employees' 'State Insurance Act, 1948. The Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is administered by the Government of India through the Employees' Provident fund Organization (EPFO). In mines and circus 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.

WORKMEN'S COMPENSATION ACT, 1923

5.4 The main objective of the Act is to impose an obligation upon the employers to pay compensation to workers for accidents arising out of and in the course of employment.

5.5 The Act applies to any person who is employed otherwise than in a clerical capacity, in railway, factories, mines, plantations, vehicles propelled by steam or other mechanical power or by electricity or in connection with loading and unloading work, constructions, maintenance and repairs of roads and bridges, electricity generation, cinemas, catching or trading of wild elephants, circus, and other hazardous occupations and other employments specified in Schedule II to the Act. Under section 2(3) of the Act, the State Governments are empowered to extend the scope of the Act to any class of persons whose occupations are considered hazardous after giving three months' notice in the Official Gazette. The Act, however does not apply to members serving in the Armed Forces of the Indian Union, and employees' covered under the provisions of the employees' State Insurance Act, 1948 as disablement and dependents' benefits are available under this Act.

Entitlement

5.6 In order to be a "workman" within the meaning of section 2(1) (n) of the Workmen's Compensation Act, firstly, a person should be employed for the purposes of the employer's trade or business; and lastly, the capacity in which he works should be one set out in the list in Schedule II of the Act.

Benefits

5.7 The compensation has to be paid by the employer to a workman for any personal injury caused by an accident arising out of and in the course of his employment (section 3 of the Act). The employer will not be liable to pay compensation in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days and in respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to (i) the workman having been at the time thereof under the influence of drink or drugs, or (ii) the willful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or (iii) the willful removal or disregard by the workman of any safety guard or other device which he knew to have been provide for the purpose of securing the safety of workman. The rate of compensation in case of death is an amount equal to fifty percent of the monthly wages of the deceased workman multiplied by the relevant factor or an amount of Rs. 80,000/- whichever is more. Where permanent total disablement result from the injury, the compensation will be an amount equal to sixty per cent of the monthly wages of the injured workman multiplied by the relevant factor or an amount of Rs. 90,000/- whichever is more. Where the monthly wages of a workman exceed four thousand rupees, his monthly wages for the above purpose will be deemed to be four thousand rupees only. Maximum amount for death and permanent total disablement can go up to Rs. 4.56 lakh and Rs. 5.48 lakh respectively depending on age and wages of workman.

Administration

5.8 The State Government administers the provisions of this Act through the Commissioners appointed for specified areas. The State Governments also make rules for ensuring that the provisions of the Act are complied with.

Amendments

5.9 Keeping in view the recommendation of the Second National Commission on Labour and suggestions received from the related Ministries/Departments and State Governments/Union Territory Administrations, the Workmen's Compensation (Amendment) Bill, 2009 has been passed by the Parliament and has received the assent of the President on 22.12.2009. On notification in the Gazette of India, the following amendments will take effect.

- (i) The title of the Act will be "The Employees' Compensation Act, 1923" instead of "The Workmen's Compensation Act, 1923" and section 2(1)(n) has been replaced with Section 2(1)(dd) as per recommendation of the Second National Commission on Labour and accordingly, wherever the term "workman" or "workmen" occurs in the Act it will become "employee" and "employees" being gender neutral.
- (ii) A large number of restrictive clauses in Schedule II of the Act will either be amended or be omitted with a view to provide coverage to workers on equity basis;
- (iii) Enhancement of the funeral expenses to Rs. 5,000/- from Rs. 2,500/- at present with powers to the central Government to review and revise the same from time to time;
- (iv) Power to the Central Government to review and revise the wage ceiling of an employee from time to time;
- (v) Provision of re-imburement of actual medical expenditure incurred for treatment of injuries caused during course of employment;
- (vi) Enhancement of the minimum rates of compensation payable to a worker from Rs. 80,000/- to Rs. 1.20 lakh for death and Rs. 90,000/- to Rs. 1.40 lakh for permanent disability with power to the Central Government to enhance the minimum rates of compensation from time to time;
- (vii) Eligibility criteria for appointment of Commissioner have been widened so as to include a member of a State Judicial Service with five years' experience or an advocate or a pleader with five years' experience or a person who has been Gazetted officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations.
- (viii) The Commissioner shall dispose of the matter relating to compensation under the Act within a period of three months from the date of reference and intimate the decision in respect thereof within said period to the employee.

THE EMPLOYEES' STATE INSURANCE SCHEME

COVERAGE

5.10 The Employees' State Insurance Act, 1948 provides for health care and cash benefit payments in the case of sickness, maternity and employment injury. The Act is applicable to non-seasonal factories using power and employing 10 or more employees. The Act is being implemented area-wise, in a phased manner. The ESI Scheme is operated in 783 centres situated in 29 States/Union Territories. As on 31.03.2009, 1.29 crores insured persons and about 5.01 crores beneficiaries are covered under the Scheme. The number of factories and establishments covered by the end of the year had gone up to about 394332.

ADMINISTRATION

5.11 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 to the Government of India, Ministry of Labour & Employment. There are 24 Regional Boards and 303 Local Committees in existence as on 31.03.2009. The Director General is the Chief Executive Officer of the Corporation and is also an ex-office member of the Corporation as well as its Standing Committee. The Hqrs. of the ESI Corporation is located at Delhi and has 53 field offices such as 23 Regional office, 26 Sub-Regional Office and 2 Divisional office and Camp Office throughout the country. Besides, there are 611 Branch Offices and 197 Pay Officers for administration of cash benefits to Insured Persons. For inspection and coverage of new factories/Establishment, 346 Inspection Offices also set up across the Country.

FUNDING AND OPERATION OF THE SCHEME

5.12 The ESI Scheme is mainly financed by contributions from the employers and employees. The rates of the employers' and the employees' share of contribution are 4.75% and 1.75% respectively. The State Governments' share of the expenditure on the provision of medical care is to the extent of 12.5% (1.8th within the per capita ceiling). The Corporation has prescribed a ceiling on the shareable expenditure on medical care. From 1st April, 2007 the ceiling on expenditure on construction of ESI Hospitals and other buildings including their maintenance is borne exclusively by the Corporation. All capital expenditure on construction of ESI Hospitals and other buildings including their maintenance is borne exclusively by the Corporation.

INVESTMENT

5.13 All contributions received under the ESI Act and all other moneys belonging to the fund which are not immediately required for defraying day to day expenses are invested in the manner prescribed statutorily. As on 31.03.09, the total investment of fund was Rs. 20.426.37 crore. Out of this, an amount of Rs.7,105.25

Crore was invested in the Special Deposit Account with Central Government and the balance amount of Rs. 13,321.12 crore was invested in fixed deposits with nationalized banks, financial institutions etc.

HEALTH BENEFITS

5.14 The Scheme provides full medical facilities from primary health care to super speciality treatment in respect of the insured persons and their family members. The medical care under the Scheme is administered by the State Governments, except in Delhi. The Corporation also directly runs 23 Hospitals including 18 Model Hospitals and 5 Hospitals as Occupational Disease Centre (ODC) cum Model Hospitals in various States.

Opening of Medical Colleges/Post Graduate Institute of Medical Sciences & Research (PGIMSRs) and Dental Colleges.

5.15 The ESI Corporation has been facing acute shortage of medical staff for quite some time and was managing to provide super specialty medical care through tie-up arrangements with private medical institutions. However, the super specialty treatment provided by the private medical institutions is unsatisfactory and expensive. It has become imperative for the Corporation to upgrade its medical infrastructure and quality. Accordingly, in 139th meeting of Employees' State Insurance Corporation held on 17.07.2007, the issue of shortage of medical/para-medical staff in ESI Hospitals and Dispensaries was raised by many Members of the Corporation. It has been decided to initiate action for setting up of its own medical institutions so as to ensure availability of sufficient medical and Para-medical staff and save expenditure on super specialty facilities provided to insured persons. Recruitment Regulations have been framed for filling up of teaching faculty.

Employees' State Insurance (Amendment) Bill, 2008:

5.16 The Employees' State Insurance Corporation in its 139th meeting held on 17.07.2007, decided to constitute a Sub-Committee of the Corporation to review the existing provision of the said Act and suggest amendments keeping in view the changed economic scenario. The Sub-Committee gave its report recommending certain amendments in the Employees' State Insurance Act, 1948. The report of the Sub-Committee was considered and approved by the Employees' State Insurance Corporation at its 142nd meeting held on 22.02.2008. Based on the recommendations made by the Sub-Committee, the Corporation approved amendment proposals in various sections of the ESI Act, 1948. Accordingly, the Employees' State Insurance (Amendment) Bill, 2008 was introduced in the Parliament on 30.07.2009.

5.17 The Bill was examined by the Parliamentary Standing Committee on Labour. The Committee has submitted its report, which is being examined.

EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952

5.18 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 the bread winner and in some other contingencies. Presently, the following three Schemes are in operation under the Act through the Employees' Provident Fund Organization (EPFO):

5.19 Presently, the following three Schemes are in operation under the Act through the Employees' Provident Fund Organization:

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

COVERAGE OF ESTABLISHMENTS AND MEMBERS

5.20 Presently, the Act is applicable to 186 specified industries/classes of establishments as is 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 31.03.2009, there were 5,73,063 establishments and factories covered under the Act with a membership of 470.72 lakh under EPF Scheme, both in the Exempted and Un-exempted sectors. With effect from 01.06.2001, an employee on joining the employment in a covered establishment and getting wages upto Rs.6,500/- is required to become a member of the fund.

EMPLOYEES DEPOSIT LINKED INSURANCE SCHEME, 1976

5.21 Employees Deposit-Linked Insurance Scheme, 1976 (EDLI) is applicable to all factories/establishments with effect from 1st August 1976. All the employees, who are members of the Employees' Provident Fund Scheme, are required to become members of this Scheme. Employers are required to pay contributions to the Insurance Fund at the rate of 0.5 per cent of pay i.e., basic wages, dearness allowance including cash value of food concession and retaining allowance, if any. During the year 2008-09, a sum of Rs. 368.40 crore comprising of employers' contribution was deposited. During the year 2008-09, 20,455 EDLI claims were settled. At the end of 2008-09, the EPFO had cumulative investments of Rs. 7,155.33 crore under this Scheme.

EMPLOYEES' PENSION SCHEME, 1995

5.22 The Employees' Pension Scheme 1995 has been introduced w.e.f. 16-11-1995. With the introduction of the Pension Scheme, the erstwhile Employees' Family Pension Scheme, 1971, has ceased to operate. However, the pensioners who were drawing benefits under the erstwhile Employees' Family Pension Scheme, 1971 will continue to draw Family Pension under the Employees Pension Scheme, 1995.

Pension Criteria

5.23 Members on attaining the age of 58 years and having rendered minimum ten years' contributory service (including the membership period with ceased Employees' Family Pension Scheme, 1971) shall qualify for superannuation pension. Those members who serve less than ten years' service shall be eligible for Scheme certificate or withdrawal benefit, as the case may be.

Benefit under the Scheme

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

- Monthly member pension
- Permanent total disablement pension
- Widow/widower pension
- Children pension
- Orphan pension
- Nominee pension
- Pension to dependent parents.

Contribution to Pension Fund

5.25 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.

THE MATERNITY BENEFIT ACT, 1961

5.26 The Maternity Benefit Act, 1961 is a piece of social legislation 2008-2009, enacted to promote the welfare of working women. The Act prohibits the working of pregnant women of a specified period before and after delivery. It also provides for maternity leave and payment of certain monetary benefits to women workers subject to fulfilment of certain conditions during the period when they are out of employment on account of their pregnancy. The services of a woman worker cannot be terminated during the period of her absence on account of pregnancy except for gross misconduct. Maximum period for which a woman can get maternity benefit is twelve weeks. Of this, six weeks must be taken prior to the date of delivery of the child and six weeks immediately following that date.

5.27 The maternity Benefit (Amendment) Bill, 2008 which contained proposal to enhance the medical bonus from Rs. 250/- to Rs. 1,000/- and to empower the Central Government to enhance the medical bonus within every three years, by notification in the Official Gazette subject to the maximum of Rs. 20,000/- received

assent of the President on 1st April, 2008 after passing by both the Houses of Parliament. Thereafter, the medical bonus amount was increased to s. 1,000/- by Gazette Notification dated 2nd April, 2008 and made effective from 15th April, 2008. Subsequently, this amount has been further increased to Rs, 2,500/- by Gazette Notification dated 11th August, 2008.

Study on the effective implementation of the Maternity Benefit Act, 1961

5.28 A study is being conducted on the effective implementation of the Act through Tata Institute of Social Sciences, Mumbai, for further improvement and amendments that may be necessary.

THE PAYMENT OF GRATUITY ACT, 1972

Objective

5.29 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.

Coverage

- Every factor, mine, oil-field, plantation, port and Railway Company.
- Every shop or establishment within the meaning of nay 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.
- Every motor transport undertaking in which ten or more were employed on nay day of the preceding twelve months.
- Such other establishments or class of 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, specific in this behalf.

5.30 A shop of establishment once covered shall continue to be covered notwithstanding that the number of persons employed therein at any ti8me falls below ten.

Entitlement

5.31 Every employee, other than apprentice irrespective of his wages is entitled to received 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 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

5.32 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 Rs. 3,50,000/-.

Administration

5.33 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 established 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.

5.34 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.

5.35 In pursuance to a judgment of Hon'ble Supreme Court, the Payment of Gratuity (Amendment) Bill, 2008 to amend the definition of 'employee' under section 2 (e) of the act in order to cover the teachers in educational institutions retrospectively i.e. the date of notifying the educational institutions retrospectively i.e. the date of notifying the April, 1997 i.e. the date of notifying the educational institutions under the Act, has since been passed by the Parliament. It will come to effect as soon as assent of the President is received and notified. Also, Government has initiated the process of amendment to the Payment of Gratuity Act, 1972 for enhancing the ceiling on amount of gratuity from Rs. 3.50 lakh to Rs. 10 lakh.

Study on the effective implementation of the Payment of Gratuity Act, 1972

5.36 A Study is being undertaken through Shri Ram Centre for Industrial Relations and Human Resources, New Delhi to assess the effective implementation of the Act in labour intensive establishments in order to improve and take measures for amendments that may be necessary.

PARTICIPATION IN INTERNATIONAL EVENTS ON SOCIAL SECURITY

Inaugural Ceremony of the ISSA Liaison Office for South Asia, Vigyan Bhawan, New Delhi, India, 22 June 2009.

5.37 The Employees' State Insurance Corporation of India has been a member of the International Social Security Association (ISSA) since the early 60s. The ISSA, which is an international organization whose membership is made up of national social security administrations and agencies throughout the world, has its headquarters in Geneva, provides information, research, expert advice and a platform for member countries to build and promote social security. In order to

have a more efficient mechanism for regional consultation, programme planning and delivery of ISS activities tailored to the diverse priorities and needs of member organizations in different sub-regions, the ISSA decided to create a sub-regional structure and develop a strong network among the Chief Executive Officers (CEOs) of different sub-regions to be chaired by the CEO of the host organization of each sub-regional liaison office. It was in this context that the International Social Security Association decided to open a Liaison Office of South Asia at the headquarters of the Employees' State Insurance Corporation (ESIC) in New Delhi, which will work with the social security in the countries covered by this region. The sub-region will cover social security organizations from Bhutan, India, the Islamic Republic of Iran, Nepal Pakistan and Sri Lanka. The inaugural ceremony of the Liaison Office was held on 22 June 2009 at Vigyan Bhawan, New Delhi. The Liaison Office was officially inaugurated by Mr. Mallikarjun Kharge, Union Minister for Labour & Employment, Government of India. The function was attended by approximately 1,000 invitees representing international organizations, ISSA member countries from the region, the Secretary General and Senior Regional Coordinator from of trade unions and employers' associations, senior officers from the Ministry of labour & Employment, representatives of other ISSA member institutions in India and the staff and officers of ESIC, Ministry of Labour & Employment and the Employees' Provident Fund Organization (EPFO).

ESI Medical Infrastructure (As on 31.03.2009)	
ESI Hospitals (Nos.)	145
ESI Annexes (Nos.)	42
Beds available in ESI Hospitals (Nos.)	23,088
Reserve Beds in State Government Hospitals	2,967
Insurance Medical Officers	7,247
ESI Dispensaries / ISM Units	1388+44
Panel Clinics	1678

CHAPTER-6

LABOUR WELFARE

6.1 The Government has provided social security cover to most of the workers in the organized sector through the Employees Provident Fund Organization (EPFO) and Employees State Insurance Corporation within the legal framework. However, by and large, no such social security cover has been provided to the workers in the unorganized sector who constitute 93% of the total work force. The concept of Labour Welfare Fund was, therefore, evolved in order to extend a measure of social assistance to workers in the unorganized sector. Towards this end, separate legislations have enacted by Parliament to set up five Welfare Funds to be administered by Ministry of Labour & Employment to provide housing, medical care, educational and recreational facilities to workers employed in beedi industry, certain non-coal mines, and cine workers.

6.2 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.

LABOUR WELFARE FUNDS

6.3 The Ministry of Labour & Employment is administering five Welfare Funds for beedi, cine and certain categories of non-coal mine workers. The Funds have been set up under the following Acts of Parliament for the welfare of these workers: -

- The Mica Mines Labour Welfare Fund Act, 1946;
- The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972;
- The Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976;
- The Beedi Workers' Welfare Fund Act, 1976; and
- The Cine Workers' Welfare Fund Act, 1981.

6.4 The Acts enable the Central Government to meet the expenditure incurred in connection with measures and facilities which are necessary or expedient to promote the welfare of such workers. In order to give effect to the objectives laid down in the above Acts, various welfare schemes have been formulated and are under operation in the fields of Health, Social Security, Education, Housing, Recreation and Water Supply.

6.5 Ministry of Labour and Employment has initiated action for rehabilitation of the beedi workers to provide them alternate source of employment for viable

alternative sources of livelihood as there is apprehension among Beedi Manufacturers / Beedi Workers Associations that employment may be reduced in beedi industry due to the labeling the pictorial warning on beedi bundles specified under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

6.6 30-bedded Hospital at Mukkudal (Tamil Nadu) has been made fully functional from 16th July, 2008.

6.7 The setting up of 15-bedded hospital for beedi workers at Jhalda (West Bengal) has been approved. The total expenditure on setting up of the hospital is work out to be Rs. 8.25 crore.

6.8 Upgradation of 65-bedded Central hospital for beedi workers at Dhuliyani (West Bengal) to 100-bedded hospital is under process.

6.9 Under the Education Scheme, instructions have been issued to all Welfare Commissioners to pay scholarship through Savings Bank Accounts.

ADVISORY COMMITTEES AND THEIR MEETINGS:

6.10 To advise the Central Government on matters related to administration of the above Funds, tripartite Central Advisory Committees have been set up under the respective Welfare Fund Acts. Minister of Labour and Employment or a person nominated by him heads these Committees. The Central Advisory Committees on Beedi Workers Welfare Fund and Cine Workers Welfare Fund have 21 members, 7 each from Central Government, Employers' Organizations, and Employees' Organizations respectively and Central Advisory Committee on Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund and Limestone & Dolomite Mines Labour Welfare Fund have 18 members, 6 each from Central Government, Employers' Organizations, and Employees' Organizations respectively excluding the Chairman and Secretary.

LEVY OF CESS:

6.11 Labour Welfare Funds are financed out of the proceeds of the cess levied under the respective Cess/Fund Acts on manufactured beedis, feature films, export of mica, consumption of limestone & dolomite and consumption and export of iron ore, manganese ore & chrome ore as per the rates given below: -

- Beedi workers Welfare Cess Act, 1976 provides for levy of cess by way of excise duty on manufactured beedis from Rs.1/- to Rs.5/- per thousand manufactured beedis. This is presently Rs.5/- per thousand manufactured beedis w.e.f. 1st April 2006.
- The Cine workers Welfare Cess Act, 1981 provides for duty of cess, at such rate not being less than one thousand rupees and not exceeding twenty thousand rupees, on every feature film submitted to the Chairman, Central Board of Film Certification. This is Rs. 20,000/- per feature film of Hindi and English and for regional films it is Rs.

10,000/- per film w.e.f. 20.04.2001.

- The Iron Ore, Manganese Ore & Chrome Ore Mines Labour Welfare Cess Act, 1976 provides for levy and collection of cess on Iron Ore, Manganese Ore & Chrome Ore between paise 50 to Rs.1/-, Rs.1/- to Rs. 6/- and Rs.3/- to Rs.6/- respectively. The rate of cess is Rs.1/- per MT on Iron Ore. The rate of cess is Rs.4/- per MT on Manganese Ore and Rs.6/- per MT on Chrome Ore w.e.f. 11.01.2001.
- The Limestone and Mines Labour Welfare Fund Act, 1972 provides for the levy and collection of cess on Limestone and Dolomite as a duty of excise at such rate not exceeding one rupee per metric tone of limestone & dolomite. The rate of cess on Limestone and Dolomite is Rs.1/- w.e.f. 27.12.2000.
- Mica Mines Labour Welfare Fund Act, 1946, provides for levy and collection of cess on all mica exported as duty of Customs no exceeding 6.25% ad valorem. This is 4.5% ad-valorem on export w.e.f. 01.11.1990.

CHAPTER -7

UNORGANISED WORKER

7.1 The term 'unorganized worker' has been defined under the Unorganized Workers Social Security Act, 2008 as a home-based worker, self-employed worker or a wage worker in the organized sector and includes a worker in the organized sector who is not covered by any of the Acts mentioned in Schedule-II of this Act i.e. (i) The Workmen's compensation Act, 1923 (8 of 1923), (ii) The Industrial Disputes Act, 1947(14 of 1947), (iii) The Employees' State Insurance Act, 1948 (34 of 1948), (iv) The Employees' Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), (v) the Maternity Benefit Act, 1961 (53 of 1961) and The Payment of Gratuity Act, 1972 (39 of 1972)

7.2 As per the survey carried out by the National Sample Survey Organization in the year 2004-05, the total employment in both organized and unorganised sector in the country was of the order of 45.9 crore. Out of this, about 2.6 crore were in the organised sector and the balance 43.3 crore in the unorganised sector. Out of 43.3 crore workers were employed in agriculture sector, 2.6 crore in construction, and remaining were in manufacturing activities, trade and transport, communication & services. 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.

7.3 The unorganised sector workers suffer from cycles of excessive seasonality of employment, lack of a formal employer-employee relationship and absence of social security protection. Several legislations such as the Workmen'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 unorganized sector also.

7.4 The Minister of Labour is also operating Welfare Funds for some specific categories of workers in the unorganized 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, education assistance for children, water supply etc.

7.5 The Government has launched Group Insurance Schemes, such as the Janshree Bima Yojana for people living below or marginally above the poverty line and Aam Aadmi Bima Yojana for landless rural household which also include workers in the unorganized sector. There are some employment oriented schemes like Swarnjayanti Gram Swaroggar Yojana and National Rural Employment Guarantee Scheme etc. which are benefiting unorganized workers.

COMPREHENSIVE LEGISLATION FOR WORKERS IN THE UNORGANIZED SECTOR

7.6 The Government examined the proposal regarding enactment of central legislation for unorganized workers in consultation with Central Trade Union, NGOs, and other stakeholders and also considered the recommendation of the national commission for Enterprises in the unorganized Sector (NCEUS) for central legislation for unorganized workers. Thereafter, the 'Unorganized Workers' Social Security Bill' 2007 was introduced in rajya Sabha on 10.09.2007 which was referred to the Parliamentary Standing Committee. On careful examination of the recommendations of the standing Committee and suggestion of stakeholders, the Government moved official amendments in the Rajya Sabha. The Bill was passed by the Rajya Sabha with amendments on 23.20.2008 and by the Lok-Sabha on 17.12.2008. The Unorganized Workers' Social Security Act, 2008 was enacted on 31.12.2008 and notified in Gazette of India. The Act has come into force with effect from 16th May, 2009.

7.7 Salient features of the Act are as under:

- Section (2) provides for the definitions, including those relating to unorganized worker, self-employed and wage worker.
- Section 3 (1) provides for formulation of schemes by the Central Government for different sections of unorganized workers on matter 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 formulation of schemes relating to provident fund, employment injury benefits, housing, educational schemes for children, skill upgradation, funeral assistance and old age homes by the State Government.
- Section 4 relates to funding of the schemes formulated by Central Government.
- Section 5 envisages constitution of the National Social Security Board under the chairmanship of Union Minister for Labour & Employment with Member Secretary and 34 nominated member representing Members of Parliament, unorganized 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.
- 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 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 (ii) facilitate registration of workers by the district administration and enrolment 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.

7.8 The Unorganised Workers Social Security Rules, 2009 under the Act have been framed and notified and the National Social Security Board has been constituted. The National Board shall recommended social security schemes viz life and disability cover, health maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganized workers.

7.9 Apart from the above, a Health Insurance Scheme namely, the '**Rashtriya Swasthya Bima Yojna**' for BPL families (a unit of five) in Unorganised Sector was formally launched on 1st October, 2007. The scheme became operational from 1st April 2008 and benefit under scheme started accruing to the beneficiaries. The benefits under the scheme include:

- i. Smart card based cashless health insurance cover of Rs. 30, 000 to a BPL family of five per annum on family floater basis.
- ii. All pre-existing diseases to be covered.
- iii. Hospitalization expenses, taking care of the most of the illnesses including maternity benefits.
- iv. Transportation cost of Rs. 100 per visit with an overall limit of Rs. 1000/- per annum.

7.10 Till 16-12-2009, 26 States/Union territories have initiated the process to implement the scheme. Out of these 26 States/UTs, 22 States namely Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa Gujarat, Haryana, Himachal Pradesh, Jharkhand, Kerala, Maharashtra, Meghalaya, Nagaland, Orissa, Punjab, Rajasthan, Tamilnadu, Tripura, Uttar Pradesh, Uttarakhand and West Bengal have started issuing smart cards and more than 80.17 lakh cards have been issued.

7.11 With a view to providing death and disability cover to rural landless households between age 18-59 years, the 'Aam Aadmi Bima Yojana' has also

been launched on 2nd October, 2007. Under the scheme, the head of the family or one earning member in the family is insured. The Central Government bears 50% of the premium of Rs. 200/- per year per person and the remaining 50% of the premium is borne by State Government. The benefits under the scheme include a cover of Rs. 30,000 in case of natural death and Rs. 75,000 in case of death due to accident or total permanent disability (loss to two eyes or two limbs or loss of one eye and one limb in accident). In case of partial permanent disability (loss of one eye or one limb in an accident), the insurance cover is Rs. 37,500/-. The Scheme also envisages an add-on benefit of providing scholarship upto a maximum of two children of beneficiary studying in 9th to 12th Standard at the rate of Rs.300/- per quarter per child. The scheme is intended to cover 1.5 crore total landless households. A separate fund of Rs. 500 crores is also being created for the purpose of providing scholarship to children of beneficiaries.

7.12 Similarly, the National Old age Pension Scheme (Indira Gandhi National Old Age Pension Scheme) has been expanded to cover all BPL citizens above the age of 65 years with effect from 19.11.2007.

THE BUILDING AND OTHER CONSTRUCTION WORKERS

7.13 The construction workers constitute one of largest categories of workers in the unorganized sector. According to the Sample Survey conducted by NSSO in 2004-2005, about 2.57 crore workers are employed in the construction activities. The Government has enacted the following two 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 Worker' Welfare Cess, Act, 1996;

Further, the Building and Other Construction Workers (RECS) Central Rules, 1998 have been notified on 19.11.1998.

7.14 The Act is applicable to every establishment which employs 10 or more workers in any building or other construction work and to the project cost of which is more than Rs. 10 lakh. There is also a provisions for constitution of Central and the State Advisory Committees to advise the appropriate Government on matters arising out of administration of the legislation besides constitution of Welfare Boards by the States Governments and registration of beneficiaries under the Fund and provision for their identity cards etc. These legislations provide for regulating the employment and conditions of service, safety and health and welfare measures for the construction workers by setting up a Welfare Fund at the State level to be financed by contribution made by beneficiaries, levy of cess on all constructions works at rates between 1 to 2 % of the construction cost incurred by an employer (the Government has notified the cess @ 1%).. The fund is to be used for providing financial assistance to the families of beneficiaries in case of accident, old age pension, housing loans, payment of insurance premia, children's educations, medical and maternity benefits, etc.

7.15 Most of the State Government and Union Territories have constituted State Welfare Boards. The Government of Tamil Nadu has been implementing its own

Act. Government of India notified the cess @ 1%. Most state Governments have also notified the same rate. So far, an amount of Rs. 1998.01 Crore has been collected as Cess upto 30.06.2009 by the State Governments/Union Territories and an amount of Rs. 384.68 Crore has been spent on welfare schemes formulated by them.

SPECIAL GROUP

7.16 In pursuance of the directions given by the Prime Minister's Office, a Special Group under the Chairpersonship of Secretary (L&E), with the representatives of DGFASLI, Ministries of Railways and Urban Development, etc. was constituted in September, 2004 to review and monitor the implementation of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The Group has held thirteen regional meetings with the representatives of State Governments/Union Territories in various States.

MIGRANT WORKERS AND THE INTERSTATE MIGRANT WORKMEN

7.17 According to the 2001 Census, 314.54 million persons have changed their place of residence within the country and out. Of this, 29.90 million or 9% have left for work. 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.

7.18 The Act is intended to regulate the employment of inter-state migrant workmen and to provide for their conditions of service. It applies to every establishment (and contractor) that employs five or more inter-state migrant workmen. The Act has provision for issue of Pass-Book to every inter-state migrant workman with full details, payment of displacement allowance equivalent to 50% of monthly wages or Rs. 75/- which ever is higher, payment of journey allowance including payment of wages during of the period of journey, suitable residential accommodation, medical facilities and protective clothing, payment of wages, equal pay for equal work irrespective of sex etc.

7.19 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 respective domain.

7.20 The problem of migration is south 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 etc. In order to generate better employment opportunities at State level, the Government have launched a number of scheme like Swarnjayanti Gram Swarozgar Yojana (SGSY), Pradhan Mantri Gram Sadak Yojana (PMGSY), Sampoorna Gramin Rozgar Yojana (SGRY), National Food for Work Programme (NFFWP) Indra Awas Yojana (IAY), Integrated Wastelands Development Programme (IWDP), Drought Prone Areas Programme (DPAP), Desert Development Programme (DDP) etc. Further, Government have recently enacted the National Rural Employment Guarantee Act to provide 100 days guaranteed employment to rural households.

CHAPTER-8

BONDED LABOUR

8.1 The Bonded Labour System stands abolished throughout the country with effect from 25th October, 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.

8.2 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 labourers 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.
- Every offence under the Act is cognizable and bailable.

CENTRALLY SPONSORED PLAN SCHEME FOR REHABILITATION OF BONDED LABOUR

8.3 With a view to supplement the efforts of the State Governments; a Centrally Sponsored Plan Scheme for rehabilitation of bonded labour was launched by this Ministry in May, 1978. Under the Scheme, State Governments are provided Central assistance on matching grants (50:50) basis for the rehabilitation of bonded labour. The said Plan Scheme has been drastically modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour, awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/-per identified bonded labour to Rs.20,000/-per identified bonded labour. Further, in the case of Seven (7) North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution.

8.4 Besides, the State Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes, such as, Swaran Jayanti Gram Swa-Rojgar Yojana (SJGSRY), Special Components Plan for Scheduled Castes, Tribal Sub-Plan etc. accordingly, the rehabilitation package provided by the concerned State Governments for the freed bonded labourers includes the following major components:

- Allotment of house-site and agricultural land;
- Land development;
- Provision of low cost dwelling units;
- Animal husbandry, dairy, poultry, piggery etc.;
- Training for acquiring new skills; developing existing skills;
- Wage employment, enforcement of minimum wages etc.;
- Collection and processing of minor forest products;
- Supply of essential commodities under targeted public distribution system;
- Education for children; and
- Protection of civil rights

8.5 Further, an amount of Rs. 678.00 lakh has been released up to 31.09.2009 to the State Government of Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, orissa, Punjab, Rajasthan, Tami Nadu, Uttar Pradesh and Uttarakhand for conducting survey of Bonded Labour, evaluatory studies and awareness generation.

SPECIAL GROUP

8.6 A Special Group in pursuance of PMO constituted under the Chairmanship of the Secretary (Labour and Employment) with the representatives of Director General, Factory Advice Service and Labour Institute (DGFASLI), Ministries of Railways and Urban Development has, inter-alia, reviewed the implementation of the Bonded Labour System (Abolition) Act, 1976 by holding thirteen region-wise meetings with the representatives of the State Governments/Union Territories in various States.

ROLE OF THE NATIONAL HUMAN RIGHTS COMMISSION

8.7 The Apex Court in its order dated 11.11.1997 in PUCL Vs. State of Tamil Nadu & Others has directed that the National Human Rights Commission (NHRC) to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order, a Central Action Group has been constituted in the NHRC. This group, with the collaboration of the Ministry of Labour & Employment, is holding sensitization workshop on bonded labour at State Headquarters to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour.

8.8 A pilot project was launched with the ILO in Tamil Nadu for the purpose of reducing vulnerability to bondage through promotion of decent work. In the first year of operation of this project, there have been very encouraging results. Consequently, efforts are now being made to extend the project to the States of Andhra Pradesh, Haryana and Orissa.

CHAPTER-9

CONTRACT LABOUR

9.1 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 & docks, oil fields, factories, railways, shipping, airlines, road transport etc.

9.2 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 establishment of the Government and local authorities.

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

9.4 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 Boards are authorized to constitute Committees as deemed appropriate.

9.5 So far, 76 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.

9.6 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.

9.7 15 notifications have been issued u/s 31 of the Act granting exemption to establishments from the purview of the Act.

9.8 A tripartite Group has been constituted as per decision in the 42nd session of Indian Labour Conference (ILC) held on 20-21 February, 2009. Group will revisit the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 in order to protect the interest of workers.

9.9 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 there under.

CHAPTER-10

WOMEN AND WORK

PROFILE OF WOMEN WORKERS

10.1 Women form an integral part of the Indian workforce. According to the information provided by the Registrar General of India, the work participation rate for women was 25.63 per cent in 2001. This is an improvement from 22.27 per cent in 1991 and 19.67 per cent in 1981. The two important aspects that require mention are that while there has been an improvement in the work participation rate of women, it continues to be substantially less in comparison to the work participation rate of men. In 2001, the work participation rate of men women n rural areas, was 30.79 per cent as compare to 11.88 per cent in the urban areas. In the rural areas, women are mainly involved as cultivators and agricultural labourers. In the urban areas, almost 80 per cent unorganized sectors such as household industries, petty trades and services, buildings and construction.

10.2 In so far as the organized sector is concerned, in March 2007 women workers constituted 19.5 percent of the total organized sector employment in the country and it increased by 0.5 percent as compared to the preceding years. As on 31st March, 2007, there were about 53.12 lakh women workers employed in the organized sector (Public and Private Sector). Of this, nearly 29.61 lakh were employed in community, social and personnel services sector.

WOMEN'S ACCESS TO EDUCATION AND SKILLS/VOCATIONAL TRAINING

10.3 DGE&T, is the nodal agency in providing vocational training in contemporary courses to women in the country. These courses help women to achieve their career goals and become independent. The Training courses are revised from time to time to suit the requirement of the industry. The Women's Training Cell of DGE&T is dedicated to designing & pursuing long term policies related to Women's Vocational Training in the country. The Training courses are revised from time to time to suit the requirement of the industry.

10.4 The Institutional Network comprises 11 Institute in the Central sector, which offer training courses to women to develop professional skills required to find highly paid jobs or to be self-employed. The institutes set up to impart training exclusively for Women under the Women's Occupational Training Directorate are:

- National Vocational Training Institute (NVTI) for Women, NOIDA.
- Regional Vocational Training Institutes (RVTIs) for Women at Mumbai, Bangalore, Thiruvananthapuram, Panipat, Kolkata, Tura, Allahabad, Indore, Vadodara and Jaipur.

10.5 The National/Regional Vocational Training Institute provide facilities for advanced skill and post-advanced training for women who have passed 10th or 12th standard and qualify the specified eligibility criteria for various courses. Apart from the regular courses, these institutes also organize short term/ad-hoc courses as

per the requirements of the industry. Short term courses in prepare/use of Audio-visual aids for general women groups-housewives, students and school drop-outs and Training Programmes in Pedagogy for ITI Instructors.

10.6 In the State sector, Vocational Training facilities exclusively for women at Craftsmen level are provided through a network of Women Industrial Training Institutes/Women wings in general ITIs under the administrative control of the State Governments. The Women's Training Directorate of DGE&T collected & compiles data on the no. of WITIs / Wings and the trg. Seats details on number of WITIs / wings etc. & the training seats sanctioned are collected from the respective State Governments. There are about 1213 Women ITIs and women wings in general ITIs (289 Government Women ITIs and 80 Private Women ITCs, 726 Women training Wings in Government ITIs and 118 Women training Wings in Private ITCs) having a total of 51,804 Training seats.

10.7 Besides this, the Indian Institute of Workers Education, Mumbai has established a separate cell on "Women and Child Labour" and evolved advance training programmes for women activists who are members of the Central Trade Unions Organizations and are involved in the upliftment and welfare of women and child labour in the country.

ASSISTANCE TO WOMEN JOB SEEKERS

10.8 The Employment Exchanges take special care to cater to the jobs needs of women registered with them. During 2009 (upto July), 26,300 women were placed in various employments.

PROTECTION OF THE INTEREST OF WOMEN WORKERS

10.9 The Government has taken several steps for creating a congenial work environment for women workers. A number of protective provisions have been incorporated in the various Labour Laws.

10.10 Besides this, a separate Cell for Women Labour was set up in this Ministry in 1975. The intension was to focus attention on the condition of working women and bring about an improvement therein. The Cell has the following functions:

- 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 implementing of the Equal Remuneration Act, 1976.
- Setting up of an Advisory Committee under the Equal Remuneration Act, 1976
- Giving grant-in-aid to Non-Governmental Organizations / Voluntary Organizations to formulate and execute action oriented projects for women workers.

10.11 In recent years, the Ministry has been actively involved in creating awareness among women workers especially in respect of their legal rights and duties. This is being done in cooperation with Non-Governmental Organizations / Voluntary Organizations.

EQUAL REMUNERATION

10.12 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 Ordinance was subsequently replaced by the Equal Remuneration Act, 1976.

10.13 State/Union Territories have appointed competent authorities under the Equal Remuneration Act, 1976 and have also set up Advisory Committees under the Act. The situation regarding enforcement of the provisions of Equal Remuneration Act is regularly monitored by the Ministry and the Central Advisory Committee. Annual returns are called or by the special cell from the State Governments in order to monitor implementation of the Act. The State Government /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.

10.14 The following social welfare organizations have been recognized under the Equal Remuneration Act, 1976 for the purpose of filing complaints in Courts against employers for violations of the provisions of the Act.

- The Central for Women's Development Studies, New Delhi
- The Self Employed Women's Association, Ahmedabad
- The working Women's Forum (India), Chennai
- The Institute of Social Studies Trust, New Delhi.

CHILD CARE CENTRES

10.15 Statutory provisions have been made in certain Labour laws for organizing child care centers for the benefit of women workers. The Factories Act, 1948, the Beedi & Cigar Workers (Conditions of Employment) Act, 1966 and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The Mines Crèche Rules, 1996 provide for establishment of crèches for the benefit of women workers. The Plantation Labour Act, 1951 provides that the women workers be provided time-off for feeding children.

SUPREME COURT GUIDELINES ON SEXUAL HARASSMENT OF WOMEN WORKERS.

10.16 The Hon'ble Supreme Court of India, in the case of Writpetition No.666-70 of 1992 filed by Vishaka & Ors. Vs State of Rajasthan & Ors. laid down certain guidelines for the prevention of sexual harassment of women employees in their work places. A number of initiatives have been taken to give effect to the

guidelines. All Central Ministries/Departments, State Govt./U.Ts and CPSUs have been informed of the provisions contained in the Judgment. They have been asked to implement the guidelines laid down in the said Judgment. The Conduct Rule applicable to the officers of the Central Government and the All India Services has since been amended to give effect to the guidelines. The Industrial Employment (Standing Orders) Act, 1946 has also been amended to make the guidelines applicable to the employees in the Private Sector.

FUTURE STRATEGY

10.17 In this period of economic liberalization and globalization, the quality of women's employment will depend upon several factors. The foremost among these are access to education and opportunities for skill development. The solution lies in creating awareness among women about their legal rights and duties and by providing them adequate opportunities to upgrade their skill levels. The emphasis should be on effective enforcement of the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976. Proper enforcement of these Acts will create an enabling environment for women workers. Besides these protective measures, policies which encourage education, skill development, and training among women also need to be given priority.

CHAPTER-11

CHILDREN AND WORK

INTRODUCTION

11.1 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. Directive Principles of State Policy in the Constitution strongly reiterates this commitment and this is also provided for in the Fundamental Rights.

11.2 Realizing the multifaceted nature of this problem, Government has embarked on a holistic and multi-pronged programme 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.

Legal Protection of Children Work

11.3 As per the Child Labour (Prohibition & Regulation) Act, employment of children below the age of 14 years is prohibited in notified hazardous occupations and processes. The Act also regulates employment of children in non-hazardous occupations and processes. There are at present 16 hazardous occupations and 65 processes, where employment of children is prohibited. Some of the important prohibited occupations and processes are carpet weaving; building and construction work; brick kilns; production of hosiery goods; work as domestic servants; in tea-shops, road side eateries; mechanized fishing; beverage industry; warehousing; etc. The Act also regulates the working conditions of children in other employment, which are not prohibited under the employments, which are not prohibited under the Child Labour (Prohibition & Regulation) Act, 1986.

Constitutional Provisions	
<p><u>Article 21A</u> 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.</p> <p><u>Article 24</u> Prohibition of employment of children in factories, etc. No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.</p>	<p><u>Article 39</u></p> <p>The State shall, in particular, direct its policy towards securing: - (e) that 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.</p>

11.4 The Act provides for constitution of the Child Labour Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act. The Committee consists of a Chairman and such other members, not exceeding 10, as may be appointed by the Central Government. The Government of India vide notification No. S.O.2280 (E) dated 25th September, 2008, has added the occupation of "Diving" to the Part 'A' to the Schedule and the process of (i) processes involving exposure to excessive heat (e.g. working near furnace) and cold; (ii) mechanised fishing; (iii) food processing; (iv) beverage industry; (v) timber handling and loading; (vi) mechanical lumbering; (vii) warehousing; and (viii) processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone, mining; stone quarries, agate industry, in part 'B' to the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986, thereby prohibiting employment of children in the aforesaid occupations/processes.

11.5 Section 2 (i) of the Child Labour (Prohibition and Regulation) Act, 1986, defines the jurisdiction of both Central and State Governments in implementing the Act. The Central Government is the "appropriate Government" in relation to establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, and in all other cases the State Government is the "appropriate Government". Thus, the onus of enforcement of the provisions of the Act lies primarily with the State Governments.

11.6 Under the Child Labour (Prohibition & regulation) Act since 1997-98 to 2007-08, overall about 3.15 million inspections have been carried out, resulting in 82176 prosecution out of which 23,220 convictions were obtained.

11.7 As per the Census 2001, there are 12.6 million economically active children in the age group of 5 to 14 years, of which approximately 0.12 million are working in hazardous occupations. The Government of India has decided to entrust conduct of survey by National Sample Survey Organization (NSSO) to get a clearer picture of child labour situation in the Country. The NSSO has agreed to conduct the survey during 66th round of survey. This will help formulate future plan and policy on eradication of child labour from the country.

11.8 As per the Global Report on Child Labour published by International Labour Organisation last year, the activity rate of children in the age group 5-14 years 5.1% in Latin America and Caribbean Region, which is the lowest in the world. In the Asia-Pacific Region, it is 18.8%. In comparison to that, the activity rate of children in India, as per 2001 census is 5%.

NATIONAL CHILD LABOUR POLICY

11.9 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:

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

NATIONAL CHILD LABOUR PROJECT SCHEME

11.10 For rehabilitation of child labour, Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 13 child labour endemic districts of the country. Its coverage has increased progressively to cover 271 districts in the country presently.

11.11 Under the NCLP Scheme, children are withdrawn from work and put into special schools, where they are provided with bridging education, vocational training, mid-day meal, stipend, health-care facilities etc. and finally mainstreamed to the formal education system. At present, there are around 10,000 NCLP schools being run in the country with an enrolment of 5 lakh children. Till date 5.21 lakh working children have already been mainstreamed to regular education under the NCLP Scheme.

11.12 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. Instructions to involve civil society and NGOs have also been issued.

RECENT INITIATIVES OF THE GOVERNMENT TOWARDS ELIMINATION OF CHILD LABOUR

CONVERGENCE

11.13 Considering that the poverty and illiteracy are the root causes for child labour, Government is following a multi-pronged strategy to tackle this problem. Educational rehabilitation of these children has to be supplemented with economic rehabilitation of their families so that they are not compelled by their families so that they are not compelled by their economic circumstances to send their children to work. The Ministry of Labour & Employment is taking various proactive measures towards convergence between the schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, Panchayati Raj institutions etc. so that child labour and their families get covered under the benefits of the schemes of these ministries also. A Core Group under the Chairpersonship of Union Labour Secretary involving all these ministries has also been formed for convergence on a sustained basis among these Ministries at the national level. The Ministry of Labour & Employment has also proposed convergence with Railways to stop trafficking and illegal migration of children for work. Further, for developing specific convergence based models for elimination of child Labour, Ministry of Labour & Employment has also formed a Working Group on Convergence based models with representatives from Ministry, State Governments, International Labour Organization, etc.

TRACKING & MONITORING

11.14 The Ministry of Labour & Employment has set up a Working Group on Tracking and Monitoring of Child Labour to recommend an appropriate tracking and monitoring system for child labour covered under the NCLP Scheme. The Working Group has submitted its report. The important aspects mentioned in the report are:

- Developing a model Child Profile Card,
- Tracking of 9-14 year old children be done by instructors/teachers of the special schools and for children in the age group of 5-8 years be done by Education department.
- The tracking of children should start from the time of their enrolment in special schools till two years after their mainstreaming,
- Data to be update every quarter,
- To ensure accuracy and reliability of data, validation of child-wise tracking information by Panchayati Raj Institutions,
- Allocation of additional funds to each NCLP district for purchase of computers and retraining of officials accordingly,
- The system be also used for project management.

PROTOCOL ON MIGRATION & TRAFFICKING OF CHILDREN FOR LABOUR

11.15 Ministry of Labour & Employment is taking number of steps for rescue, safe repatriation and rehabilitation of migrant and trafficked child labour. Towards this end, a high level Committee was constituted under the Chairpersonship of the Secretary (L&E) with representative from various Ministries of the Government of India and State Labour Departments of NGOs. A detailed protocol for prevention, rescue, repatriation, rehabilitation and re-integration of migrant and trafficked child labour has been issued as a guidelines to be followed by the State Government. Workshops have also been held to sensitize the various stakeholders, including officials of State Governments. A few more workshops will be conducted by the V.V. Giri National Labour Institute, to ensure better understanding of the problem of child labour, especially trafficking them for work.

MONITORING OF THE NCLP SCHEME

11.16 A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment, was set up for the overall supervision, monitoring, evaluation of the National Child Labour Project. State Government have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee. Action is also being taken at the district and the State level to monitor the pace and progress of operationalisation of NCLPs. During the last meeting of the Central Monitoring Committee, four Sub-Committees were formed to examine (i) tracking and monitoring of child labour-

strategy; (ii) the protocol on rescue, repatriation and rehabilitation of migrated and trafficked children for labour; (iii) awareness generation programmes; and (iv) convergence of welfare Schemes at state level.

EVALUATION THE NCLP SCHEME

11.17 A comprehensive exercise to evaluate the NCLPs in the country was conducted in 2001 by independent agencies. The evaluation exercise was coordinated by the V. V. Giri National Labour Institute, Noida. A fresh evaluation of the Scheme has been conducted recently by NLI through independent agencies. The final report has since been received and action has been initiated on various aspects of the report.

ASSISTANCE TO VOLUNTARY ORGANIZATIONS

11.18 During 2009-10, under the Grants-in-aid scheme, about 75 voluntary organizations/NGOs are being financially assisted to the extent of 75% of the project cost, for taking up action-oriented projects for rehabilitation of working children. Periodic reports from the assisted NGOs, field visits by official of the Central and State Governments play an important role in monitoring these projects.

SUPREME COURT JUDGEMENT ON CHILD LABOUR

11.19 Hon'ble Supreme Court of India was also seized of the issue of elimination of child labour. It had issued various directions 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.

11.20 As per the information received from the State Governments, around Rs.34.30 crore has been deposited in the Corpus fund and more than 1.21 lakh

adult members of the families of child labour have been provided employment by the State Governments.

11.21 The implementation of the directions of the Hon'ble Supreme Court is being monitored by the Ministry of Labour & Employment and compliance of the directions is reported to the Hon'ble Court on the basis of information received from the State/UT Governments from time to time.

INTERNATIONAL PROGRAMME ON ELIMINATION OF CHILD LABOUR (IPEC)

11.22 The International Programme on elimination of Child Labour is a global programme launched by the International Labour Organization in December, 1991. India was the first country to join it in 1992. The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are:

- Enhancement of the capability of ILO constituents and NGOs to design, implement and evaluate programmes for child labour;
- To identify interventions at community and national levels which could serve as models for replication; and
- Creation of awareness and social mobilization for securing elimination of child labour.

GOI- UNICEF JOINT MASTER PLAN

11.23 Under Joint Master Plan of Operations on Child Protection between Government of India and UNICEF, this Ministry is implementing activities on child labour elimination. UNICEF will fund these activities and the present budget is US\$ 120,000. Main activities include development of National Tracking System to monitor children in NCLPs and development of National Communication Strategy on Child Labour. A Prototype of National Tracking System has already been developed and field trials are being conducted in the states of Karnataka, Andhra Pradesh, Uttar Pradesh and West Bengal.

CONVERGING AGAINST CHILD LABOUR: SUPPORT FOR INDIA'S MODEL IN COLLABORATION WITH US-DOL AND IN ASSOCIATION WITH ILO

11.24 The ILO-IPEC proposes to launch this convergence programme with financial support from the Department of Labour, United States of America. Ten districts in five States, viz. Bihar, Jharkhand, Orissa, Madhya Pradesh, and Gujarat, have been identified for implementation of the convergence based models as a pilot which would later be replicated to other districts. The Government of India has approved the proposal and further modalities are being worked out.

11.25 Children, who constitute a very large segment of our society, are undeniably our assets and our future. Hence, they need to be taken care of and nurtured in their natural place i.e. the school and playground. This is the goal toward which the Government policies and programmes are aimed.

CHAPTER-12

OCCUPATIONAL SAFETY AND HEALTH

12.1 The Constitution of India contains specific provisions on occupational safety and health of workers. The Directorate General of Mines Safety (DGMS) and the Directorate General of Factory Advice Service and Labour Institute (DGFASLI), the two field organizations of Ministry of Labour and Employment strive to achieve the principles enshrined in the Constitution of India in the areas of occupational safety and health in mines, factories and ports.

CONSTITUTIONAL PROVISIONS OF OCCUPATIONAL, SAFETY AND HEALTH	
Article	Constitutional Provision
24	No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
39 (e&f)	The State shall, in particular, direct its policy towards securing: (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizen are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
42	The State shall make provision for securing just and humane conditions of work and for maternity relief.

DIRECTORATE GENERAL FACTORY ADVICE SERVICE & LABOUR INSTITUTES

THE ORGANISATION

12.2 The Directorate General Factory Advice Service & Labour Institute (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, industrial psychology 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), One month Specialized Certificate Course in Safety and Health for Supervisory Personnel working in Hazardous Process Industries.

12.3 The DGFASLI organisation comprises of the headquarters; five Labour Institute 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 Awards Cell.

12.4 The Central Labour Institute in Mumbai started working form 1959. The Institute was shifted to the present premises at Sion, Mumbai-400022 in February 1966 and all the disciplines functioning at different locations under the Chief Advisor of Factories were brought under one roof. 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
- Industrial Physiology
- Industrial Psychology
- Industrial Ergonomics
- Environmental Engineering
- Staff Training
- Small Scale Industrial
- Productivity
- Major Hazards & Chemical Safety
- Management Information Services
- Safety and Health Communication
- Construction Safety

12.5 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.

12.6 The Regional Labour Institute (RLIs) located in Kolkata, Chennai Kanpur and Faridabad are serving the respective regions of the country. Each of these institute have the following divisions/sections:

- Industrial Safety
- Industrial Hygiene
- Industrial Medicine
- Staff Training and Productivity
- Safety and Health Communication
- Major Hazardous & Chemical Safety
- Computer Centre

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

Dock Safety:

12.8 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 Regulation, 1990 were Framed under this Act. As a result of introduction of these new set of statutes, the scope of dock work ha considerably increased covering more number of workers employed in ports, who were hitherto not covered for their safety, health and welfare. 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.

Training programmes

12.9 Professional programmes

- One year Advanced Diploma in Industrial Safety Course for 2008-09 were held at CLI, Mumbai, RLI Kolkata, RLI Chennai and RLI Kanpur for 149 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 were held at CLI, Mumbai and RLI Kolkata for 60 medical personnel as required under Section 41-C of the Factories Act, 1948 and Rules made there under.

12.10 Training Programmes are conducted in the field of industrial safety and health. Joint participation of management personnel and Trade Union leaders of the same organizations was a unique feature in some of these programmes. During the period April 2009 to September 2009, 57 training programmes including seminar/workshops and in-plant programmes were conducted benefiting 1337 participants. In addition, Appreciation programmes were conducted for 2401 beneficiaries at various divisions of DGFASLI and the four Labour Institute, in Mumbai, Kolkata, Chennai and Kanpur.

DGFASLI Website:

12.11 The DGFASLI website was launched in January 2001. The website www.dgfasli.nic.in is a source of information on various safety and health related matters, such as, database on abstract on OS&H studies, reports; information on advisory services rendered by DGFASLI in the area of testing of respiratory and non-respiratory personal protective equipment, flame proof equipment approval, material safety data sheets and National referral Diagnostic Centre, etc. The INDOSHNEWS newsletters of DGFASLI are also available on the website. The training programme calendar for all the labour institutes, announcement on National Safety Awards & Vishwakarma Rashtriya Puraskar Awards, AFIH course, Diploma Course in Industrial Safety along with the application forms are available on the website. The website enables users to access other useful websites related to safety and health and get the National directory of organization-profile of agencies engaged in the field of safety and health. The website also contains the text of the Factories Act, 1948 and the Model Rules framed there under and also the Dock Workers (Safety, Health and Welfare) Act, 1986 etc. Statistics of

Factories, Docks, List of Chief Inspectors of Factories, and List of Dock Safety Inspectorates are also available.

12.12 The website now has the following modules.

(i) National Inventory of OSH Information: A state-wise inventory on OSH information was developed in respect of 19 States viz. Kerala, Assam, Orissa, Goa, Uttar Pradesh, Andhra Pradesh, Madhya Pradesh, Himachal Pradesh, Tamil Nadu, West Bengal, Rajasthan UT of Delhi, UT of Chandigarh, Maharashtra, Gujarat, Jharkhand, Tripura, Uttarakhand. The major areas identified for the national inventory of OSH information are:

- Demographic Details
- Geographical structures
- Economic Sectors
- Manufacturing Activities
- Occupational Injuries & Diseases
- Management of OSH at Unit & State Level
- Resources available and Needed

(ii) Abstracts of OSH Literature: The division has developed a user-friendly programme for Abstracts of OSH Literatures of the studies:

- Surveys, Research studies, Consultancies & research projects carried out by DGFASLI organization.
- Project report of Diploma in Industrial Safety (DIS) students.
- Project of Associates of Industrial Health (AFIH) Students.
- OS&H literatures from other organizations in the country.

Representation on BIS Committees:

12.13 Officers of DGFASLI represented on several BIS Committees/Sub-committees dealing with Safety and Health matter and offered comments on drafts standards.

12.14 The DGFASLI on behalf of the Ministry of Labour 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 under:

- Vishwakarma Rashtriya Puraskar: It is designed to give recognition at the national level o outstanding suggestions resulting in (i) higher productivity (ii) improvement in working conditions (iii) savings in foreign exchange (import substitute as well as quality and safety of products) (iv) improvement in overall efficiency of the establishments. Applications for the awards under this Scheme are invited every year and these are forwarded by the

management on behalf of the workers. Prizes are grouped in three classes i.e. CLASS (A) = 5, CASH AWARDS OF RS. 75,000/- EACH, CLASS (B) = 8, CASH AWARDS OF RS. 50,000/- EACH AND CLASS (C) = 15, CASH AWARD OF RS. 25,000/- EACH.

- National Safety Awards: National Safety Awards are given in recognition of good safety performance on the part of the industrial establishments. Shields and Citation Certificates are awarded to Winners and Runners Up. Schemes I to X are meant for factories, construction sites and Installations under Atomic Energy Regulatory (AERB) and Schemes XI and XII are for Ports.

Both the Schemes are applicable to the workmen covered under the Factories Act, 1948. Dock Workers (Safety, Health & Welfare) Act, 1986, the Building & Other Construction Workers Regulation of Employment & Condition of Service Act, 1996, and Installation under Atomic Energy Regulatory Board (AERB).

DIRECTORATE GENERAL OF MINES SAFETY

12.15 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 and hence production of various minerals. Growth of mining under the impact of successive Five Year Plans has been phenomenal. To take care of the enhanced targets, mechanization of mining activities has taken place. Table 13.2 shows the increasing trends of some important parameters like number of mines, value of minerals mined, aggregate machine power installed and explosive used. Large-scale mechanization led to higher risk to health and safety of work persons deployed in mines. Under the constitution of India, Safety, Welfare and Health of workers employed in mines are the concern of Central Government (Entry 55 – Union List- Article 2446). The Mines Act, 1952 and the Rules and Regulations framed there under regulate the objective. These are administered by the Directorate-General of Mines Safety (DGMS) under the Union Ministry of Labour and Employment. Apart from administering the Mines Act and Subordinate Legislations there under, DGMS also administers other allied legislations. These are as follows:

Mines Act, 1952

- Coal Mines Regulations, 1957.
- Metalliferous Mines Regulations, 1961.
- Oil Mines Regulations, 1984.
- Mines-Rules, 1955.
- Mines Vocational Training Rules, 1966.
- Mines Rescue Rules, 1985.
- Mine Crèche Rules, 1966.
- Coal Mines Pit Head Bath Rules, 1959.

Electricity Act, 2003

- Indian Electricity Rules, 1956

Allied Legislation

- Factories Act, 1948: Chapters III & IV
- Manufacture, Storage & import of Hazardous Chemicals Rules, 1989 under Environmental Protection Act, 1986
- Land Acquisition (Mines) Act, 1885
- The Coal Mines (Conservation & Development) Act, 1974

ORGANISATION SET – UP

12.16 The Directorate General of Mines Safety is a subordinate office under the Ministry of Labour and Employment with its Headquarters at Dhanbad (Jharkhand) and is headed by the Director – General of Mines Safety. At Head Quarters, Director General is assisted by specialist staff – officers of Mining, Electrical and Mechanical Engineering, Occupational Health, Statistics, Law, Survey, Administration and Accounts disciplines. The Head Quarter also has a Technical Library and S&T Laboratory as a back – up support to the Organisation. Field Organisation has a two-tier network. The entire country is divided into six zones, each 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 21 such Regional offices. Five Sub-Regional offices have also been set up in important areas of concentrated mining activities away from Regional offices. Each of these is under charge of Deputy Director. Each of these is under 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.

SAFETY MEASURES

12.17 To ensure enforcement of necessary safety measures in mines, inspections and inquiries 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.

APPROVAL OF MINES SAFETY EQUIPMENTS

12.18 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, 1957, Metalliferous Mines Regulations 1961, Oil Mines Regulations, 1984, Mines Rescue Rules 1985 and Indian Electricity Rules 1956. 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 field tried, performance report from the concerned mine management is obtained. If the above reports are found satisfactory regular approval is granted for specific period.

12.19 The equipments/machinery/appliances and materials requiring approval can be broadly categorized into: -

- (i) Personal protective equipment.
- (ii) Environmental monitoring instruments and devices.
- (iii) Machinery and other equipments for carrying out mining operation and
- (iv) Safety materials for use in underground mines.

ON-GOING PLAN SCHEMES

12.20 Strengthening of Core Functions of DGMS (SOCFOD):

Origin: This is a continuing plan scheme. The scheme has been formulated by merging three on-going plan schemes of DGMS, namely (i) "Augmentation of S&T Capabilities, Mines Rescue Services and Human Resource Development (S&T) (1975)", (ii) "Strengthening of Machinery for Conduct of Statutory examinations (SSEX) (2000-01)" and (iii) "Improving Efficiency by Providing Infra Structure Facilities in DGMS (PIF) (2000-01)" along with components like Occupational Safety and Health Surveillance, promotional initiatives and Emergency Response system.

Objective of the Scheme:

- To render scientific and technological support to the enforcement wing of DGMS in proper fulfilment and discharge of its statutory duties, responsibilities and advisory.
- To develop, improve and update need based rescue and emergency response services to the mining industry & help field offices of DGMS in the form of technical support while taking up rescue and emergencies of specific nature.
- To establish Mine Safety & Health Academy with institutes at different offices of DGMS for imparting structured training to DGMS for imparting structured training to DGMS officers and key personnel of the mining industry.

- Strengthening of Machinery for Conduct of Statutory Examinations.
- To develop a structured mechanism for Occupational Health Surveillance & Disease Control in Mining Industry.
- To establish a National Council for Mines Safety with a view to generate safety and health awareness among miners and address their training issues.
- To improve the efficiency of DGMS by providing better infrastructure facilities, which include providing own office buildings and residential complexes to the officers and staff members, providing better communication facilities and office equipment and furnishing of offices.

(A) Scientific and Technological Support (S&T)

This scheme aims at providing in-house scientific support to the officers of DGMS in discharge of their enforcement, regulatory and promotional role. It also provides scientific support to mine operators, workers organization and other institutions concerned with occupational health and safety matters. The activities of the S&T plan scheme covers a wide cross-section of facets of occupational safety and health including occupational hygiene/health, strata control, mine ventilation, mine gases, fires and explosion, mining techniques, mine mechanization, oil and opencast mine safety, standard setting and policy planning.

The support activities are broadly divided into three categories:

(i) Planned support:

This plan support is to be provided to field offices on:

- A current issue which has emerged into an enforcement problem;
- An enforcement strategy calling for development of monitoring equipments or techniques; and
- Monitoring of quality assurance of external organisations in sampling, pre-approval testing and other similar activities.

These activities are to be selected on merit, including improvement of efficiency and safety and future needs.

(ii) Reactive Support:

Reactive support is proposed to be provided in response to demands from field offices on areas where:

- In-house assessment and analysis of a problem leads to better understanding of enforcement problem and helps in determining enforcement strategy;
- Support is required on a technical problem without referring to external agency.

(iii) Testing services

This service is to be provided to the field offices as a sample check on quality control standards and in emergency response situation.

Major Programmes: The major programmes of the S&T plan scheme includes:

(i) Occupational Safety:

- a) Monitoring of implementation of the Technical Standards on support system in board and Pillar workings.
- b) Review of standards on stability of multiseam workings.
- c) Review of standards on detection, control, dealing with and protective measures against fire and revision of standards/guidelines.
- d) Assessment of hazards associated with mine mechanization and standardization of monitoring techniques and control measures.
 - i. Standardization of prototype test (s) houses for testing powered support and hydraulic/friction props.
 - ii. Standardization of Ultrasonic Testing Techniques and formulation of Acceptance & Rejections Norms.
 - iii. Testing of fire resistant hydraulic oils.

(ii) Occupational Hygiene and Health

- a) Standardization of techniques for monitoring and control of occupational hazards from noise, air borne dust, mine gases and poor illumination.
- b) Review and standards of medical examinations.
- c) Review and standardization of procedures for surveillance of occupational disease already established.

(B) Development of Mines Rescue Services:

This component of the plan scheme aims at promoting proper rescue services in mining industry. The scheme envisages critical appraisal of design characteristics of rescue apparatus and self rescuers evaluation of field performance of the same, inquiry into accidents in use of rescue apparatus inspection of rescue stations/rescue rooms organizing rescue competitions, monitoring formulation of emergency plan by the management of all underground mines and to deal with applications for grant of permissions/approval/relaxations under the Mines Rescue Rules, 1985.

Major Programme:

1. Installation of testing facility for SCBA of Resuscitator
2. Creation of Rescue
 - a) Rescue facilities in the country
 - b) Actual Rescue/Recovery work done in the country
3. Inspecting of Rescue facilities in the Mines/Rescue Stations/Rescue Rooms etc.
4. Testing of Self-Rescuers
5. Co-ordination of Mines Rescue Competition
6. Standard setting, review of emergency plans
7. Issue of Technical circular's to the mining industry
8. Grant of approval/relaxation under the Mines Rescue Rules, 1985

(C) Human Resource Development:

This scheme started on modest scale from 01.04.90. The scheme envisages setting-up of a Mines Safety & Health Academy comprising Institute at Dhanbad and Nagpur for imparting structured training to the Inspection Officers of DGMS so as to update and upgrade their technical and professional competence and improve their effectiveness in regulatory, enforcement, advisory and promotional roles. The facilities so created would be also utilized for disseminating latest information on mine safety principles and practices information on mine safety principles and practices amongst the key safety personnel of the mining industry and the Workmen's Inspectors.

Major Programmes:

- (1) Development of training schedules
- (2) Conduct of training programmes
 - (a) Training of DGMS Officers
 - i. New Entrants
 - ii. Existing Officers
 - iii. Special Lecture

- (b) Training of Key personnel in Mining Industry
 - i. Managerial Personnel
 - ii. Safety Officers
 - iii. Ventilation Officers
 - iv. Engineers
 - v. Industrial Hygienists
 - vi. Executive Trainees
 - vii. VTOs
- (c) Training of Workmen's Inspectors.

THE NATIONAL SAFETY COUNCIL

INTRODUCTION

12.21 The National Safety Council (NSC), set up by the Ministry of Labour and Employment, Government of India on 4th March, 1966 is an independent, non-commercial, non-profit making and autonomous society. Its mission is building a national movement on safety, health and environment to prevent and mitigate loss of life, human suffering and economic losses, and providing support services.

12.22 The management and control of the affairs of the Council are vested in the tripartite Board of Governors. The Board consists of 51 members besides the Chairman who is nominated by the Govt. of India (presently eminent industrialist Shri Anand G. Mahindra is a Chairman). Headquartered in Navi Mumbai, it is an institution on international repute with an all India network of over 7,600 members comprising (i) Corporate Members (industrial establishments, employers' organisations, professional bodies and institutions, and trade union organisations), (ii) Individual Members, (iii) Life Members, and (iv) International Members with 18 Chapters across the country.

IMPORTANT ACTIVITIES & SERVICES

- **At the National Level**
 - organizing national level conferences/seminars/workshops
 - conducting training programmes – both national level and need-based unit level
 - spearheading national level awareness campaigns (National Safety Day, Fire Service Week & World Environment Day)
 - developing promotional material (National Safety calendar and posters & stickers)

- undertaking consultancy services (safety audits, risk assessment & HAZOP studies, safety awareness surveys, disaster management services, OHSMS)
 - information resources (HSE diary, pocket guides, computerized database CAMEO, HSE library)
 - bringing out periodicals (quarterly industrial safety chronicle and bi-monthly industrial safety news)
 - publication (technical manuals, booklets, safe practice pamphlets of the pocket guides, reprints of important international publications)
 - development of national safety standards (Chairman of the BIS sectional committee CHD 8)
 - operating national level NSCI safety awards schemes for (a) manufacturing, (b) construction, and (c) micro, small and medium enterprises sectors.
 - implementing special projects in emerging key areas of national concern.
- At the International level
 - organizing international conferences/seminars/workshops
 - cooperation and collaboration with ILO, UNEP, EPA, Japan Industrial Safety & Health Association, NSC (USA), Korea Industrial Safety Association, European Commission, Swedish Rescue Services Agency, member organisations of APOSHO (Asia Pacific Occupational Safety and Health Organisation) of which NSC is a founder-member.

CHAPTER-13

WORKERS EDUCATION

13.1 The Central Board for Workers Education (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.
- 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

13.2 Central Board for Workers Education is headed by a Chairman. Its headquarters is at Nagpur. The Chief Executive of the Board is the Director who is assisted by an Additional Director, Deputy Directors and Financial Adviser etc. The Board operates through 50 Regional Directorates and 9 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.

13.3 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

13.4 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 various 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

13.5 Programmes for representatives from Central Trade Union Organizations/Federations and voluntary Organizations on different subjects are conducted by the IWE in addition to giving pre-employment training to Educating Officers and reorientation to Regional Director and Education Officers of the Board as well. In view of the specialized training needs to trickle 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) Woman and Child Labour have been established in the Institute. During the period from April, 2009 to September, 2009, the details of programmes conducted at the institute.

PROGRAMMES AT REGIONAL LEVEL

13.6 Details of training programmes conducted by the Regional Directorates during the period April, 2009 to September, 2009 including Unit Level Classes, programmes for rural workers and workers belonging to unorganized sector and weaker sections.

ORGANISATION OF UNORGANISED LABOUR AND TRAINING OF RURAL VOLUNTEERS

13.7 Initially the Board concentrated its activities in the organized sector. The Board shifted its emphases 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 programmes 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.

13.8 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.

13.9 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, constructions workers, civic and sanitation workers are also organized by the Board.

GRANTS IN AID

13.10 The Central Board for Workers Education through its Grants-in-Aid Scheme extends financial assistance to Trade Union Organization and Educational Institutions etc. to conduct Workers Education Programmes for their own workers.

13.11 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 was done in April, 2005 with a view to induce the trade unions to avail this facility 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.

13.12 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.

13.13 The Board also sanctions grants-in-aid for National Level Courses to the Central Trade Union Organizations and National Federations. During the period April, 2009 to September, 2009, the Board provided grants-in-aid amounting to Rs.5, 06,322/- to 21 Unions/Institutions, which conducted 33 programmes for 1,320 workers.

IMPACT

13.14 A feedback is obtained from the participants and management about the impact of the various training programmes conducted by the Board. The feedback has revealed that the participants have admitted and realized the importance of discipline, productivity, reducing the cost of production, improving quality to withstand global competition, feel enlightened on various problems of industry, changes in economic scenario etc.

13.15 The programmes have brought changes in their attitude and they have developed their identification in their respective organization. The inclination of the activists towards democratic processes and practices has strengthened the Trade Unions. Similarly workers have approached the managements for creation of common forum to discuss problems.

13.16 The participants also gave up social evils like smoking, tobacco chewing, indebtedness and instead switched to savings. In Rural camps the participants realized the importance of Rural Workers Organization, small savings, health, hygiene, literacy, etc. and pledged to carry on the message of awareness to those who are not aware.

CHAPTER-14

PLAN AND NON-PLAN PROGRAMMES

14.1 The Ministry had drawn an ambitious plan for the welfare and development of labour during the Tenth Plan and Eleventh Plan. Special emphasis was laid for elimination of child labour, abolition and rehabilitation of the bonded labourers and skill up-gradation. The important schemes taken up during the Tenth Plan were: National Child Labour Project, Up-gradation of existing ITIs into "Centres of Excellence", and Establishment of New ITIs in North-Eastern States, Sikkim and Jammu & Kashmir. Apart from this, a few new Schemes were launched during Eleventh Plan. They include Skill Development initiative through PPP, Up-gradation of 1396 Government ITIs through PPP, Externally Aided Project (EAP) for reforms and improvement in Vocational Training Services rendered by Central & State Governments and Health Insurance for Unorganized Sector Workers.

14.2 The Planning Commission has made an allocation of Rs.2210.02 Crore (at 2006-07 prices) for the Plan Schemes of the Ministry of Labour & Employment during the Eleventh Five Year Plan (2007-12). Against this, during 1st year of Eleventh Plan i.e., 2007-08, the Ministry was allocated Rs.325.48 Crore by the Planning Commission (excluding CW of Rs.19.52 Crore which was transferred to Ministry of Urban Development). This was later increased to Rs.1250.00 Crore at RE stage. The actual expenditure, however, was Rs.1280.22 Crore which was met through supplementary provisions. Similarly, an allocation of Rs.771.50 Crore (excluding CW of Rs.28.50 Crore which was transferred to Ministry of Urban Development), was made during 2nd year of Eleventh Plan i.e., 2008-09. This was increased to Rs. 1426.00 Crore at RE stage. Against this, the expenditure was Rs. 1388.39 Crore. A plan provision of Rs.1630.76 Crore (excluding CW component of Rs 19.25 Crore which was transferred to Ministry of Urban Development) has been made by the Planning Commission during 2d009-10 for the plan schemes of the Ministry of Labour and Employment.

14.3 The Woman's Training Cell of the DGE&T and Woman Labour Cell deal with the schemes exclusively meant for women and women's welfare. Presently, there are two schemes (after merger) relating to women in the Ministry.

14.4 The Ministry of Labour & Employment has Plan Schemes in the areas of Employment, Central Board For Worker's Education, National Labour Institute, Rehabilitation of Bonded Labour and Labour Bureau for the benefit of Scheduled Castes and Scheduled Tribes. Together these constitute the Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP) respectively.

14.5 As per the Government's directives, 10% of plan allocations are to be earmarked for specific projects/schemes in the North-Eastern States and Sikkim. Thus Ministry of Labour has allocated funds to the tune of Rs.90.00 Crore during 2009-10 for such Schemes.

14.6 The Ministry of Labour & Employment provides Grants-in-aid to Research and Academic Institutions and Voluntary Organisations for undertaking research in labour relate maters. During 2009-10, a budget allocation of Rs.25.00 lakh has been made. During last three years, 24 research studies in the areas of Labour Welfare, Social Security, Industrial Relations, Enforcement of Minimum Wages and Employment Services and Training etc. have been completed. Presently, 16 Research Studies are in the pipeline.

14.7 Apart from the Plan programmes, the Ministry also has Non-Plan programmes for various activities relating to Employment & Training, Industrial Relations, Safety & Health of workers, Workers' Education, Social Security of the Workers in the Organized Sector, International Cooperation, Research & Statistics, Welfare of SC/ST and Other Backward Classes etc. besides other Secretariat Social Services and Schemes.

CHAPTER-15

WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

15.1 In line with the general policy of the Government, the Ministry of Labour & Employment has formulated several special schemes, which provide various benefits to the members Scheduled Castes and Scheduled Tribes.

SPECIAL SCHEMES FOR SCHEDULED CASTES/TRIBES

- Coaching-cum-Guidance Centres for Scheduled Castes and Scheduled Tribes
- Special Coaching Schemes
- Computer Training
- Labour Welfare Funds/Schemes
- Rehabilitation of Bonded Labour
- Survey & Research Studies

Coaching-cum-Guidance Centres for Scheduled Castes and Scheduled Tribes.

15.2 The scheme was launched in 1969-70 in 4 Centres on a pilot bases. Keeping in view the success of the scheme, it was extended to another 18 States. At present, 23 Coaching-cum-Guidance Centres are functioning in 23 states/Union Territories (one of them at Jowai is in the process of being made fully functional). These centres provide Occupational Information, Individual Guidance and organize confidence Building Programme for the benefit of the job seekers belonging to Scheduled Castes and Scheduled Tribes and review the Old registered cases. The applicants are provided guidance at the time of their registration with the Employment Exchanges and also when they are sponsored against notified vacancies. The Centres also follow up with the employers for placement against vacancies reserved for the Scheduled Caste and Scheduled Tribe candidates.

15.3 In addition, thirteen of these Centres provide facilities for training in shorthand and typing.

SPECIAL COACHING SCHEME

15.4 To facilitate the recruitment against reserved vacancies in various Central Government Ministries/Departments, the Directorate General of Employment & Training has launched another scheme namely 'Special Coaching Scheme' for Scheduled Castes and Scheduled Tribes so as to enable SC/ST job seekers to appears in competitive examinations conducted by Staff Selecting Commission and other Recruitment Boards for recruitment to Group 'C' Posts. This scheme was launched in 1973 on a pilot basis at Delhi and Ghaziabad and 26 phases of this scheme have been completed so far.

15.5 Encouraged with the success of the above scheme, the scheme was extended to more places through the Coaching-cum-Guidance Centres located at Bangalore, Bhubaneshwar, Channi, Delhi, Guwahati, Hissar, Hyderabad, Imphal, Jabalpur, Jaipur, Jammu, Jallaundhar, Khanpur, Kohima, Kolkata, Mandi, Nagpur, Rachi, Surat & Thiruvanathapuram, in a phased manner and so far fourteen phases of the Scheme have been completed and 15 phase is in progress.

COMPUTER TRAINING TO SC/ST EDUCATED JOB SEEKERS

15.6 This Scheme was started with effect from February, 2004, with a view to provide six months Computer Training to SC/ST educated Job seekers registered with the Employment Exchanges through outsourcing training facilities. The scheme has been modified keeping in view the demand of trained Manpower in the job market.

LABOUR WELFARE FUNDS/SCHEMES

15.7 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) 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 Mines and Chrome Ore Mines Labour Welfare Fund; Cine workers Welfare funds; 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.

REHABILITATION OF BONDED LABOUR

15.8 The system of debt bondage in India is an outcome of certain categories of indebtedness involving certain economically exploited, helpless and weaker sections of the society. This system originated from the uneven social structure characterized by inequitable distribution of land and assets. It has been observed that a very large number of identified and released bonded laborers belong to the Scheduled Castes and Scheduled Tribes Categories.

15.9 In order to assist the State Governments in the task of rehabilitation of released bonded labourers, this Ministry of Labour & Employment launched a "Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour" in May, 1978. Under the scheme grants are provided towards rehabilitation assistance to the State Governments on 50:50 basis. The scheme has undergone qualitative changes from time to time and has been progressively liberalized. The rehabilitation assistance has since been enhanced to Rs. 20,000/- per bonded labourer w.e.f. May, 2000 and in case of North Eastern States, 100% rehabilitation assistance is provided. An amount of Rs.48.00 Lakh was incurred as financial assistance to the States under the financial assistance to the States under the above Centrally Sponsored Scheme during 2009-10 (upto 30.9.2009). As many as 25 bonded labourers were identified and rehabilitated in the same period. Financial assistance has also provided to state

for awareness generation, survey and identification of bonded labour. So far 2, 68,161 bonded labourers have been rehabilitated under this scheme. As per the report of the National Commission of Rural Labour, 1991, 86.6% of the identified bonded labour belong to SC/ST category, so benefits of the scheme are flowing in that proportion to these categories of bonded labourers.

15.10 Detailed guidelines have been issued to the State Governments for implementing the scheme. It has been emphasized that the rehabilitation process should have two components (i) psychological rehabilitation and (ii) physical and economic rehabilitation. In so far as psychological rehabilitation is concerned, the released bonded labourers who have been used to the world of domination and servitude need to be assured that he is entitled to earn his economic livelihood and decent living like other human beings. Regarding economic rehabilitation, the scheme for rehabilitation of bonded labourer should be selected keeping in view the choice of the bonded labourer. The State Governments have also been advised to integrate/dovetail this scheme with other ongoing poverty alleviation schemes such as Swaran Jayanti Gram Swa Rozgar Yojana (SJGSRY), Special Component Plan for SC/ST, Tribal Sub Plan etc. so as to pool the resources for meaningful rehabilitation of bonded labourers. A Special Group under the chairpersonship of Secretary (Labour & Employment) has been monitoring the implementation of the Bonded Labour System (Abolition) Act, 1976 through regional meetings with the representatives of State Governments/Union Territories. So far the Special Group has held 18 meetings.

SURVEY AND RESEARCH STUDIES

15.11 Labour Bureau has been conducting, inter-alia, the following two separate Studies on Scheduled Castes and Scheduled Tribes Workers:-

1. Working and Living Conditions of the Scheduled Caste Workers engaged in four groups of Unclean occupations viz. Sweeping and Scavenging, Flaying and Tanning, Bone crushing and shoemaking in urban areas. Coverage of these has now been extended to also cover clean occupations and the adjoining rural areas of the selected centres.
2. Socio-economic conditions of Scheduled Tribe Labour in Industrial cities at selected centres/belt.

CHAPTER-16

LABOUR STATISTICS

Functions and Organization at Set-up of Labour Bureau Chandigarh/ Shimla:

16.1 Ever since its inception in 1946, Labour Bureau has been engaged in collection, compilation, analysis and dissemination of labour statistics at All India 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:

- Compilation and maintenance of Consumer Price Index Number 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;
- Collection, compilation and dissemination of statistical information on various aspects of labour such as employment, wages and earning, absenteeism, labour turnover, social security, welfare amenities, industrial relation, etc. on the basis of statutory and voluntary returns under different Labour Acts;
- Conducting research studies and surveys on labour related matters in organized/ unorganized sectors covering, inter, alia, SC/ST Workers, Woman Labour, Contract Workers and occupational wage survey in manufacturing industries, mines, plantations and service sector;
- Imparting training to State/UT personnel and the trainees sponsored by various State and Central agencies; and
- Bringing out regular and ad- hoc publications in the field of labour.

16.2 The two main wings of Labour Bureau are at Chandigarh and Shimla and its four Regional offices are at Ahmedabad, Kolkata, Chennai and Kanpur with a Sub-Regional office of Ahmedabad office at Mumbai.

Major Activities and Achievements of Labour Bureau

(I) Consumer Price Indices

16.3 The Consumer Price Indices compiled & maintenance by Labour Bureau on a regular monthly basis are as under:-

(a) Consumer Price Index Number 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 service

consumed by the working class population are compiled and maintained by Labour Bureau, an attached office of the Ministry of Labour and Employment, since 1946.

2. Labour Bureau has compiled and released the Consumer Price Index Numbers for Industrial Workers on base: 2001=100 from January, 2006 to September, 2009.
3. These Index Number are utilized for revision of wages, determination of variable dearness allowance, measuring inflationary trends and for policy formulation.
4. The weighting diagrams for new series were derived on the basis of the Working class Family Income and Expenditure Survey conducted during 1999-2000.
5. Repeat House Rent Surveys are also conducted at six monthly regular intervals. One Hundred fifty six housing indices for 78 centres @ 2 indices per centre are compiled every year. The house rent indices upto the 15th round (survey period January, 2009 to June, 2009) in respect of 78 centres have been compiled and utilised in the compilation of indices.
6. The Index numbers are released on the last working day of every succeeding month through Press Release, Fax, E-mail, Monthly Index Letter. These are also published in the Bureau's monthly publication "Indian Labour Journal" besides putting them on the Bureau's Website- www.labourbureau.nic.in
7. The indices on base; 2001=100 upto the month of September, 2009 have been compiled and released.

DETAILS OF IMPORTANT SURVEYS/ STUDIES

(a) Rural Labour Enquiry

- Rural Labour Enquiries are of great assistant on designing the policies and programmes undertaken with the objective of ameliorating the living and working conditions of rural labour. The data for the purpose is collected by the NSSO as a part of its general Employment & Unemployment Surveys conducted on quinquennial basis. The responsibility of preparation and publication of reports of the findings on the findings of the survey is upon Labour Bureau. The Organisation brings out reports on different aspects of Rural Labour Households viz., (i) Indebtedness, (ii) Consumption Expenditure, (iii) Wages & Earnings, (iv) Employment & Unemployment and (v) General Characteristics of Rural Labour Households.
- The consumer expenditure data collected through RLE is being utilised for derivation of weighting diagrams for construction of series of CPI Number for Agriculture and Rural Labourers. The weighting diagrams for the current series of CPI Numbers for Agricultural and Rural Labourers with base 1986-87=100 were derived from the consumer expenditure data collected during 38th Round of NSS (1983). This series (1986-87=100) had replaced the old

series (1960-61=100) with effect from November, 1995 index. The CPI Numbers for Agriculture and Rural Labourers facilitate fixation and revision of minimum wages in employment in agriculture and rural areas under the Minimum Wages Act, 1948.

- Under this scheme, Labour Bureau also collects wage rate data for 18 agriculture and non- agriculture regularly every month from 600 sample village. This data is used for ascertaining the extent of implementation of the Minimum Wages Act, 1948. The data is also of immense use for drawing up appropriate policies and programme for conducting cost studies and for estimating the national/ State income.

CHAPTER-17

LABOUR RESEARCH & TRAINING

INTRODUCTION

17.1 V.V. Giri National Labour Institute (VVGNLI), an autonomous body of the Ministry of Labour and Employment, Government of India, set up in July, 1974, is a premier Institute of Research, Training and Education in the area of Labour.

Objectives and Mandate

17.2 The Memorandum of Association spells out clearly a wide range of activities, which are essential to fulfil the objectives of the Institute. It mandates the Institute:

- to undertake and assist in organizing training and education programmes, seminars and workshops;
- to undertake, aid, promote and coordinate research on its own and in collaboration with other agencies, both national and international;
- to establish wings for:
 - Education, training and orientation;
 - Research, including action research;
 - Consultancy; and
 - Publication and other such activities as may be necessary for achieving the objectives of the society.
- to analyse specific problems encountered in the planning and implementation of labour and allied programmes and to suggest remedial measures;
- to establish and maintain library and information services; and
- to collaborate with other institutions and agencies in India and abroad which have similar objectives.

STRUCTURE

17.3 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 a Chairman, 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 unions federations, employers' associations and also eminent scholars and practitioners in the field of labour. Director of the Institute is the Principle Executive and is responsible for management and administration. Director is aided in the day to day functioning by a faculty consisting of 10 professionals representing a wide range of disciplines and support by administrative staff.

MAJOR ACTIVITIES

RESEARCH

17.4 Research occupies a primary place in the activities of the Institute. The subject of research comprises a broad spectrum of labour related problems, in both the organized and the unorganized sectors. Priority is accorded to analyse the problems and issues of labour in the unorganized sector such as bonded labourers, working children, women workers, migrant workers, landless agricultural workers, etc. The Institute undertake action research projects in rural areas to study the problems for rural workers with a view to explore possible ways, means and methods to organize rural labourers.

COMPLETED & ON-GOING RESEARCH PROJECTS

Some of the completed and on-going research projects of the different research centers of the Institute are listed below:

CNETRE FOR AGRARIA RELATIONS AND RURAL LABOUR

Completed Projects

- Towards Evolving Suitable Measures for enhancing Road Transport workers Living and Working Conditions with special reference to improving the road transport system in India: A Study
- Agrarian Structure, Social Relations and Agricultural Development:- A Study of Ganga Nagar and Jodhpur Districts of Rajasthan.

On-going Projects

- National Rural Employment Guarantee Act and the Schedule of Rates: An Assessment Study.
- Augmentation of Avenues and Opportunities for the Meaningful Employment of the Physically Challenged.
- A Study of Welfare Measures for Beedi Workers in Banglore & Hyderabad Regions.
- Marine Fishery Industry and Marine Fish Workers in India. A study with Special reference to Exploring Employment Potentials in the Sector.
- Employment, Income and Food Security: A Study of Rural Households in Orissa.
- Assessing Employment Potential

CENTRE FOR LABOUR MARKET STUDIES

Completed Projects

- Labour Migration and Livelihoods in India: Issues and Policy Perspectives

On-going Projects

- Global Downturn and Export Sector in India: Impact on Production, Export and Employment
- Labour Market Participation of Working Women Post Maternity: A Case Study of Private Sectors

NATIONAL RESOURCE CENTRE ON CHILD LABOUR (NRCCL)

Completed Projects

- Evaluation of the National child Labour Projects.
- Grant-in-Aid projects benefiting Women Labour: A Review and Action Programme toward sensitising women on child labour.
- Insecurities and Vulnerabilities of Informal Sector Vendors with Special focus on Street Vending Children of NOIDA.
- Linkages between HIV/AIDS and Child Labour: Developing an Integrated Approach towards Effective Policy Formulation.
- Sensitization and Capacity Building towards Eliminating Child Labour.

On-going Projects

- Convergence of Services towards Prevention and Elimination of Child Labour: A case study of Nizamabad District of Andhra Pradesh.
- Situational Analysis of Girl Children and Empowerment through Action Programmes
- Forced Child Labour: A Study of Children at the Traffic: Lights.

CENTRE FOR LABOUR AND HEALTH

On-going Projects

- Inland Fishing: A Study of Emerging Issues, Opportunities and Insecurities of the Workers with special focus on Health Issues.
- Prevention of HIV/AIDS in the World of Work: A Tripartite Response Phase-II stage VI. As a part of the project Training Manual for the Training of the ITI Faculty is being prepared.

CENTRE FOR GENDER AND LABOUR

Completed Projects

- The Employment and Condition of Domestic Workers in India: Issues and Concerns.

On-going Projects

- Migration of Tribal Female Domestic Workers in Delhi.

CHAPTER-18

INFORMATION TECHNOLOGY INITIATIVES / E-GOVERNANCE

18.1 To ensure implementation of Government agenda on e-governance, the Plan Scheme of Information Technology is under implementation for bringing transparency in the functioning of Government. The main purpose of the Scheme is to initiate a computerization drive in the working of the Ministry to improve efficacy.

18.2 This is an On-going Scheme formulated on the directives of Planning Commission for making a provision of 2-3% of the Plan Funds for programmes/schemes relating to Information Technology. This Scheme intends to initiate a drive towards improving computerization in various programmes of the Ministry and to improve their efficacy. During the 10th plan an outlay of Rs. 800 lakh was provided for the Scheme. AN amount of Rs. 150.00 lakh was incurred for providing infrastructure in the Ministry during 2008-09.

18.3 The progress of the Scheme is regularly monitored by Senior Officers. There is IT Manager to assist, manage, planning, execution and review of the Scheme. IT Manager also ensure that uniformity of standards should be taken care of while developing application modules in the Ministry.

18.4 Considering the importance of e-governance, Ministry of Labour and Employment has initiated/completed following activities:-

- To inter-act with our counter-parts in States & UTs and other remote areas, a Video Conferencing System has been installed in the Ministry. It is being used frequently
- Most of the Sections of the Ministry have been computerised by providing logistic support.
- Local Area Network is being further strengthened at a total cost of Rs. 23.00 lakhs through NICS.
- Training-cum-awareness programmes are being carried out to promote the use of computer and Video Conferencing.
- PGRAMS (Public Grievances Redressal and Monitoring System), and online web enabled system which enables the citizens to lodge grievances on line and also to follow up the action taken by the Government has been put in operation.
- Document Management Information System (DMIS) is designed to track files and receipts and monitor the pendency of papers effectively by Section/Division within a Ministry/Department. The DMIS has been integrated with Record Management information System (RMIS). The RMIS enables the authorized officers to view on their PCs the files/records kept in the Record Room.
- Efforts are on to revamp the Ministry's website with the help of NIC so as to make it more dynamic and interactive.
- Libsys software has been provided to fully computerize the Library of the Ministry.

CHAPTER-19

VIGILANCE AND REDRESSAL OF PUBLIC GRIEVANCES

19.1 The sensitive areas, which are prone to corruption and malpractices, are being closely monitored regularly.

19.2 Preventive and corrective measures have been taken to contain recurrence of corrupt practices and to instil confidence in the minds of people about the objectivity and impartiality in the functioning of the Ministry and to create conditions, which would spread signals of probity, rectitude and orderliness in public dealings.

19.3 Instructions have been issued to all autonomous bodies and attached/subordinate offices of the Ministry to the effect that for handling sensitive posts at all levels only such Officers whose integrity is beyond doubt should be posted. They have also been advised to introduce greater transparency and openness in the functioning of all the offices in general and the offices having extensive dealing with public in particular.

19.4 All the offices dealing with public under the control of the Ministry have been advised to simplify the work procedure at the cutting edge level so as to avoid delay in taking decisions, as it is delay at this level that generally breeds corruption. Instruction have been issued to various organizations under this Ministry to improve vigilance administration by leveraging technology and increase transparency through effective use of website in discharge of regulatory, enforcement and other functions of the organizations.

19.5 In the year 2009, 'Vigilance Awareness Week' was observed in the Ministry from 03.11.2009 to 07.11.2009. All the Officers and members of staff in the Ministry took a pledge on 03.11.2009 to maintain absolute integrity, transparency in all spheres of activities and to work unstintingly for eradication of corruption in all spheres of life.

19.6 Meeting under the chairmanship Secretary as well as Chief Vigilance Officer were held with the officers of various Departments working under this Ministry to review the progress of enquiries and other cases pending with them. All Vigilance Units in the Attached/Subordinate Offices were also asked to review the progress of enquiries and complaints pending with them and submit reports to the Ministry regularly.

19.7 As a part of the current drive against corruption, Prime Minister's Office forwards complaints received from various quarters containing allegations of corruption against individuals and organizations. Such complaints received from the Prime Minister's Office are pursued with the requisite degree of promptitude and thoroughness at senior officers' level. Proper inquiry is conducted in each case in a time bound manner and feedback is sent to the Prime Minister's Office.

19.8 Vigilance Wing in EPFO has been alive to the need of formulating strategies and taking effective steps to curb mal-practices, take preventive action against corruption and suggest remedial action in terms of strengthening the systems. As EPFO is an agency which has a very large public interface, the need for transparency and efficiency has been recognized and the focus of the activities of the Wing has been to promote transparency in the dealing of EPFO with the general public. A slew of measures have been taken to achieve the objectives of the Wing.

- With a view to strengthen the systems put in place with regard to business transactions, the vigilance wing has, whenever loopholes are identified, taken remedial action by issuing alert circulars.
- General instructions especially in the matter of claims settlement which involves at times, interaction with the public have been issued to minimize the chances of malpractice or corruption and at the same time to ensure that staff and officers manning the posts are made aware of their duties and responsibilities.
- There have been concerted efforts to put investigations on a fast track so as to ensure early completion of all formalities pertaining to disposal of complaints.
- Special emphasis is put on complaints that are forwarded by Central Vigilance Commission and such references are acted upon on priority by involving the Zonal Vigilance Directorates.
- General grievances pertaining to the service delivery area are taken up with the offices concerned for their early redressal. Also wherever a vigilance angle is noticed, separately cases are registered and suitable actions initiated.
- Departmental Proceedings mark the culmination of the process of investigation and action taken pursuant to the Competent Authority taking a view. To ensure early finalization of pending inquiries in each zone i.e. South Zone, East Zone, North Zone & West Zone an officer of the rank of RPF-C-II have been appointed in each zone, whose exclusive responsibility is to conduct Departmental Inquiries.
- Meetings with CBI have been held in a number of regions to update the agreed list and to take further action on the subject.
- With a view to ensure maximum output in the Directorate all the vacant posts at the level of Assistant Directors and Deputy Director have been filled by deputation.
- The officers of the vigilance wing are being sent regularly for training to various training institute imparting training on the subject like CBI and ISTM. Also EPFO's training institute i.e. NATRSS (National Academy for Training & Research in Social Security) conducts various training programmes for vigilance functionaries.

19.9 With a view to ensuring that the possible corrupt practices or malpractices in the area relating to coverage of establishments under the Employees State Insurance (ESI) Scheme, recovery of ESI dues from the defaulting establishments, purchase of land ready made flats, constructing of hospitals/dispensaries, investments of ESI funds, grant of medical certificates and purchase of inferior quality medicines and equipments for use in hospitals and dispensaries are checked, the following instructions have been issued by Employees' State Insurance Corporation (ESIC):-

- Assessment of dues decided by the Officers may be reviewed at random basis.
- The Officers found to be lacking in their efforts to make recovery of ESI dues should be transferred and necessary action be taken against them for not performing their duties efficiently.
- A definite time schedule for disposal of various types of cases may be prepared and officers/officials not adhering to the time schedule should be severely dealt with.
- The nexus between the employees of the ESIC and the suppliers of medicines, if found, should be broken at the earliest and necessary action taken against those found to be involved in such deals.
- A quick assessment regarding integrity of the persons holding sensitive positions may be made and such of the officers/officials whose integrity is suspect should be immediately transferred out and such positions should be manned only by officers whose integrity is beyond doubt.

REDRESSAL OF PUBLIC GRIEVANCES

19.10 A system of ventilation and redressal of grievances from employers, trade unions and subscribers/members is in place in Ministry of Labour & Employment, Employees Provident Fund Organization and in Employees State Insurance Corporation (ESIC).

19.11 A Facilitation Centre has been set up in the Ministry to receive applications for redressal of grievances and to provide necessary information to the members of the public on various matters dealt in the Ministry. The e-mail ID of the Public Grievance Cell, Ministry of Labour and Employment is pglabour.nic.in.

REDRESSAL OF PUBLIC GRIEVANCES IN EMPLOYEES' PROVIDENT FUND ORGANIZATION (EPFO)

19.12 The mission of Employees' Provident Fund Organization is to extend the reach and quality of publicly managed old-age income security programs through consistent and ever-improving standards of compliance and benefit delivery in a manner that wins the approval and confidence of Indians in our methods, fairness, honesty and integrity, thereby contributing to the economic and social well-being of Indians.

19.13 The organization in tune within its objective lays considerable importance to the redressal of grievance of the members of the fund.

19.14 Headquarter Officer at New Delhi, and all field offices comprising 39 Regional Offices and 78 Sub-Regional Offices across the country are equipped with full-fledged Facilitation Centres, Public Relation Officers and supporting Staff from where the members can obtain the relevant information as well as get their grievances redressed. The Public Relation Officers at the Reception Counters are available on all working days of the week to redress the grievances of the visiting members. At the same time, Public Relation Officers are also available in each office to assist the members asking for any information.

19.15 There is two-tier organizational structure for handling and redressal of public grievances. One is at Head Office level, called Customer Service Division, which is headed by Additional Central Provident Fund Commissioner and assisted by Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and Public Relation Officer and another at field Offices level, headed by Regional Provident Fund Commissioners and Assistant Provident Fund Commissioners assisted by Public Relation Officers.

19.16 The Regional Provident Fund Commissioner of the regions and Officer-in-Charge of Sub-Regional Offices are available for redressal of the grievance of the members on all working days. Besides the Regional Provident Fund Commissioner, In-Charge of the Customer Service Division in the Head Office redresses the grievances of the members of the fund in person on all working days during office hours. If, the members do not feel satisfied, they can see the Additional Central Provident Fund Commissioner (Customer Service Division) or the Central Provident Fund Commissioner.

19.17 All grievances received by the Head Office in the Customer Service Division are monitored fortnightly with system support and acknowledgements are sent to the members. Public Relation Officer in the Head Office also attends to the grievances of the members every day and redresses the grievances.

19.18 The grievances received from the members of the Fund through various sources relating to the settlement of claims, issue of account slips, matter arising out of non-compliance etc., are required to be redressed by the field offices. Feedback of all such grievances obtained from field offices is promptly communicated to the members with the status/disposal of the petitions.

19.19 The Public Relation Officers in the Regional/Sub Regional Offices redress the grievances of the members who visit the offices for redressal. The Public Relation Officer provides information about the status of the claims as well as the status of the complaints filed by the members.

19.20 The following guidelines are prescribed for handling grievances:

- Every complaint/grievance is required to be entered in register and acknowledged
- Information required regarding payment of provident Fund/Pension cases Status of complaints all provided across the counter/over phone.
- Complete monitoring of the grievance disposal .

19.21 The Facilitation Centres have been set up in all the offices of the organization. All the prescribed forms for the members of the Fund are available free of cost during working hours. The salient features of a “Facilitation Centre” are as below:

- To provide information regarding Schemes and procedures through brochures, booklet, reports, etc.
- To provide information regarding status of claims/complaints.
- To receive complaints, issue acknowledgement letters.

- Officer of the level of Assistant Provident Fund Commissioner / Assistant / Account Officer / In-charge of the Facilitation Centre with appropriate orientation capable of attending visitors redress the grievance.
- Time limits for settlement of claims/petitions meeting hours of the Senior Officer are notified through display boards.
- Physical facilities have been provided for sitting, drinking water, etc. for the members.

19.22 To reduce the public grievances the organization has taken various measures for creating the awareness about the provisions of The Employees Provident Funds (Miscellaneous Provisions) Act, 1952 among the members and employers. Brochures and pamphlets on schemes under the Act are provided. Seminars are arranged to educate employers, employees and various representatives. Functions are organized by field offices to provide a copy of Pension Payment Order (PPO) and related papers to retiring employee members on the day of retirement. Death cases re settled on priority and widows are requested to attend the function and get the pension papers.

19.23 The details of grievances received and redressed by Employees Provident Fund Organization during the last five years are given in Table 20.1

19.24 **Bhavishya Nidhi Adalats** are conducted at all field offices to give personal hearing to subscriber to place their problem across the table for redressal of grievances of complex nature of the members of the fund. The Bhavishya Nidhi Adalats are held on 10th of every month and if 10th happens to be a holiday, Bhavishya Nidhi Adalats are conducted on the next working day.

19.25 The complaints filed before the Bhavishya Nidhi Adalats are decided on the spot. The number of complaints filed before the Bhavishya Nidhi Adalats and cases decided are given in Table 20.2.

REDRESSAL OF PUBLIC GRIEVANCES IN ESIC

19.26 In pursuance of the instructions issued by the Directorate of Public Grievances, Government of India, the Corporation has been making all out efforts fro speedy redressal of Public Grievances. The Corporation monitors public grievances received from various quarters including IPs, their family members, employers and their Associations, employees and their Unions, VIPs / MPs / Legislatures through a network of Public Grievance Officers posted in various office of the Corporation. Grievances received from the Prime Minister's office and the Cabinet Secretariat are directly monitored by a senior officer in the Hqrs. Office of the Corporation for their effective redressal and periodical weekly and monthly reports are sent to the Ministry of Labour & Employment, Govt. of India ever week / every month. In so far as disposal of other PG cases for various institutions of the Corporation, i.e., ROs/SROs./ESI Hospitals / Dispensaries / ESIC Model Hospitals is concerned a consolidated quarterly report is sent to the Ministry of Labour & Employment at the end of every quarter.

19.27 The monitoring of public grievances received in the Regional Offices, Sub-Regional Offices, ESI Hospitals / Dispensaries / ESIC Model Hospitals is done by a designated Public Grievance Officer. Apart from this, periodic Shikayat Adalats / open house meetings are conducted in the respective Regions at regular intervals

by the Regional Directors themselves. Such meeting are generally presided over by the Regional Director or a senior officer who decided and redresses the grievances across the table.

19.28 In the states where the ESI Scheme has been implemented, the grievances relating to the medical benefits are taken up with the State Govt. authorities by our Regional Directors as well as Senior State Medical Commissioners/State Medical Commissioners for timely redressal of grievance at regional level.

19.29 The Corporation has opened facilitation Centers in all the Regional offices/Sub Regional Offices / ESI Hospitals & Model Hospitals in order to have a better interaction with the beneficiaries of the Scheme. In addition to this, the Corporation conducts workshops and seminars on public grievances for its officers and staff & an advertisement may be issued in local newspaper highlighting the addresses of Branch Offices, ESI Dispensaries / Hospitals, MRPTMR, implemented centers, alongwith e-mail / website and addresses of the officer concerned to whom to be contacted for redressal of Public Grievances.

19.30 The Regional Director/Joint Director I/c/SSMC/SMC/MS/DMD have been instructed that the applications which are received from Directorate of Public Grievances of Ministry will be given top priority and grievance will be settled within six weeks as per instructions of Cabinet Secretariat. They have been asked to visit Govt. of India, website <http://pgportal.gov.in> on day to day basis and dispose off complaints online relevant to their office through CPGRAM online as available on above website of Ministry and will report Hqrs. On e-mail address Jd-pg@esic.nic.in/ins-comm@esic.nic.in. A weekly report on pendency of online grievance will be sent to Ministry with a copy to Hqrs. PG Cell.

CHAPTER-20

INTERNATIONAL COOPERATION

INDIA AND INTERNATIONAL LABOUR ORGANISATION (ILO)

20.1 India is one of the founding members of International Labour Organization (ILO) that came into existence in 1919 and has been a permanent member of the ILO Governing Body since 1922. At present the ILO has 183 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- (i) 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. The ILO is financed mainly by contribution received from the member states.

20.2 India and ILO have an enduring and vibrant relationship, which is marked by close and dynamic cooperation over the years. This relationship has been a matter of mutual benefaction too. Even as India has significantly contributed to the achievement of ILO's objectives, its thought processes, deliberations and style of functioning, ILO too has made impression on the India's legislative framework for providing equity. Human dignity, social justice, equality of opportunity, avoidance of discrimination, freedom of association, etc. are but a few of the common sinews inherent in the Constitution of the Republic of India and of the ILO. Creation of a just and equitable World Order; securing distributive justice concurrently with economic growth and creation of employment opportunities for the purpose; increasing productivity to increase shareable gains; workers' participation; human resource development; human and environmental dimensions of technology; poverty alleviation; and economic reform with a human face are amongst the major thrust areas presented to ILO by India.

20.3 India has been playing a pro-active role in the proceedings of the ILO since its inception. The India delegation, which is tripartite in composition, has been participating in the International Labour Conference (ILC) on a regular basis. The ILC is the main policy making body of the ILO. While the International Labour Standards adopted by the ILC have been enriched by the vast experience of its delegates and advisers, the experience gained in this International forum by the members of the Indian delegations over a period of time has helped in giving the much needed international perspective to our national laws and practices. We have so far ratified 42 Conventions and 1 Protocol of the ILO.

TECHNICAL COOPERATION PROGRAMMES

20.4 India and ILO share a very significant and fruitful cooperation in various technical programmes in the areas of employment, occupational safety & health, improvement of working conditions, upgradation of technical facilities and skills development, management consultation development, social security, skill development and other labour related issues.

20.5 Under the Active Partnership Policy of the ILO, collaboration between India and SRO-ILO is supported by technical inputs from the multidisciplinary teams at SRO New Delhi and regional office in Bangkok as well as by technical departments at the I.L.O. 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' Organizations, worked closely with the I.L.O. in identifying the major Decent Work Country Programme objectives for the ensuing years. The main focus of the exercise was to promote employment and social protection in the process of restructuring of the economy, management of working conditions and occupational safety and health in high-risk areas.

20.6 A number of officers from Ministry of Labour & Employment, representatives from social partners (Worker Organisations & Employer Organisations), were deputed for training, workshops, seminars and meetings under fellowships provided by ILO/KOILAF.

20.7 The ILO also utilises the training facilities available in a number of institutions under the Ministry of Labour & Employment in India including V.V. Giri National Labour Institute, Central Labour Institute (Mumbai), Regional Labour Institutes (Kolkata, Kanpur & Chennai), the Vocational Training Institutes under the Directorate General of Employment and Training, the India Institutes of Management and Indian Institutes of Technology.

CHAPTER-21

DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

21.1 The Directorate General of Resettlement and Employment (DGR&E) now known as Directorate General of Employment and Training (DGE&T) was set up in July 1945 for the purpose of resetting demobilized Defence Service personnel and discharged War Workers in civil life.

21.2 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.

21.3 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 Institute (ITIs) was transferred to the State Governments/Union Territory Administrations with effect from 01.11.1956 on cost sharing basis between Centre and States.

21.4 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.

21.5 With each successive Five Years Plan, there has been considerable expansion of the activities of the Employment Service and Training Service in the Centre and the States. The total number of Employment Exchanges functioning at the end of September, 2009 is 969 (including 83 University Employment information and Guidance Bureaux); and the total number of Industrial Training Institutes (both Government and Private) is 7605 with a seating capacity of around 10.6 lakh.

21.6 The Directorate General is headed by the Director General of Employment & Training/Joint Secretary to Government of India. The organizational set up of the Directorate General consists of three principal wings, namely, Directorate of Training, Directorate of Employment and Secretariat Wing.

RESPONSIBILITIES

21.7 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 regular training programmes and develops staff training material for the Employment Service personnel.
- Carries out continuous 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.

- Provides a central agency for adjusting surpluses and shortages in certain specified areas where recruitment requires wider circulation.
- Collects and disseminates Employment Market Information and prescribes uniform reporting procedures for the organized sector and Employment Exchanges
- Co-ordinates Vocational Guidance and Career Counseling Services rendered through Employment Exchanges and University Employment Information and Guidance Bureaux (UEIGBx) to the unemployed youth for choosing and planning their career suited to their abilities and skills.
- Evaluates residual capabilities of physically challenged persons and to provide 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 Training in confidence building to SC/ST job seekers.
- Formulation of National Employment Policy.
- Preparation of Annual Report of People on Employment.

TRAINING DIRECTORATE

21.8 DGET is responsible to implement vocational training programme in the country. Major schemes being implemented by DGE&T are Craftsmen Training Scheme (CTS), and Apprenticeship Training Scheme (ATS). CTS products are deemed to be semi-skilled and ATS is expected to produce skilled workers. In ATS, there is a provision for rebate in training period to the extent of successfully undergone institutional training under CTS in the corresponding trade. Under the above vocational training programmes, DGE&T

- Develops training programmes at the national level, particularly in the areas concerning common policies, common standards and procedures.
- Deals with training of instructors and trade testing certification.

SECRETARIAT WING

21.9 The Secretariat wing is responsible for looking after the establishment matters of the employees of DGE&T

TOTAL NUMBERS OF EMPLOYEES IN DGE&T

21.10 The Directorate General of Employment & Training and its subordinate offices have on their roll 2511 employees, out of which 275 are Group 'A' officers, 611 Group 'B' officers, 1136 Group 'C' employees and 489 Group 'D' employees

STATUTORY PROVISIONS

21.11 The statutory provisions enforced by DGE&T are:-

- Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and Rules made thereunder.
- Apprentices Act, 1961 and Rules made thereunder.

21.12 The following statutory and non-statutory bodies and functioning under the DGE&T:-

Statutory Body

- Central Apprenticeship Council (CAC)

Non-Statutory Bodies

- Working Group on National Employment Service.
- National Council for Vocational Training (NCVT)

INFRASTRUCTURE AVAILABLE

21.13 EMPLOYMENT SERVICE WITH STATE GOVERNMENTS:-

- 969 Employment Exchanges (including 50 Special Employment Exchanges for Handicapped) throughout India as on 30.09.2009.
- 50 Special Cells for Handicapped persons are functioning in 50 Employment Exchanges in various States as on 30.09.2009.
- Most of the States have Directorates of Employment located in the State Capitals.

WITH CENTRAL GOVERNMENT:

- Vocational Rehabilitation Centres (VRCs) for Handicapped. Out of which one Centre at Vadodara is exclusively for women with disabilities.
- 23 Coaching-cum-Guidance Centres for Schedules Castes/Scheduled Tribes
- A Central Institute for Research and Training in Employment Service (CIRTES) located at NOIDA (U.P.)
- Central Employment Exchange under Directorate of Employment at New Delhi

21.14 NATIONAL EMPLOYMENT POLICY

The draft National Employment Policy (NEP) has been prepared in consultation with various Central Ministries/Departments and other stakeholders. The objective of the National Employment Policy (NEP) is to provide a holistic framework towards achieving the goal of remunerative and decent employment for all women and men in the labour force in a sustainable manner. It aims at accelerating employment growth, particularly in the organized sector, and improving the quality of jobs in terms of productivity, average earnings, and protection of workers, specially in the unorganised sector.

21.15 Employment Exchanges Mission Mode Project;

The Employment Exchanges being the first contact point for the unemployed youth play a vital role in proper adjustment of the job seekers. The fulfilment of this objective to some extent depends on how fast the dissemination of information at the employment exchanges is done. Recognizing the key role expected to be played by the Employment Exchanges in the growth of employment in India, the National e-Governance Plan (NeGP) has identified Employment Exchanges as one of the Mission Mode Projects(MMP) for upgradation and modernization of Employment Exchanges in order to make them more demand responsive.

The introductive of e-Governance is to help in providing speedy and easy access to employment related information to job seekers and employers. The project aims to progressively support all the State Governments in transformation of all the Employment Exchanges in the country by making effective use of information Technology (IT) in order to effectively deliver their mandated services to the job seekers & employers.

National Institute for Smart Government (NISG), a not-for profit organization has been engaged as a Principal Consultant for design and development of Mission Mode Project on Employment Exchanges by the Ministry. Gujarat and Maharashtra have been selected for benchmarking best practice study. 'As is study' and 'Benchmarking study' have been completed in selected States by the consultant team.

SKILL DEVELOPMENT

21.16 Skill building and training contributes significantly for promoting the interests of individuals, enterprises, economy and society. Technological changes, changes in financial markets, the emergence of global markets for products and services, international competition are among the more significant developments that are transforming the world of work. Skill building and training, a central pillar of decent work, is a means to empower people, improve the quality and organization of work, enhance citizens' productivity, raise workers' incomes, promote job security and social equity and help individuals become more employable in rapidly changing internal and external labour markets.

21.17 DGE&T continues to improve quality of productivity throughout the economy by systematic supply of trained manpower to the Industry through various vocational training programmes. Brief of these programmes has been given in the following Para's. Details of these programmes are given in the subsequent chapters

DEVELOPMENT OF INSTRUCTIONAL MEDIA

21.18 One institute named Central Instructional Media Institute (CIMI) was set up with the assistance of Government of Germany in December 1986 to develop instructional material on Vocational Training for the use of trainees and trainers. Institute has been made autonomous on 1st April 1999.

21.19 As per the recommendation of the Governing Council in its 5th Meeting held on 29.06.2003 under the Chairmanship of the Hon'ble Union Labour Minister, the institute was renamed as National Instructional Media institute (NIMI) to reflect its national character.

21.20 The main objective for the establishment of the Institute is to make available instructional materials in various trades for the use of the trainees and trainers to ensure overall improvement in the standard of institutional training being imparted under Craftsmen and Apprenticeship Training Programmes.

21.21 Present activities of the Institute include development, production and dissemination of Instructional Media Packages (IMPs) comprising of books on Trade Theory, Trade Practical, Test/Assignment, Instructor's Guide, Visual Aids, Support materials such as books on Workshop Calculation & Science, Reference text books, Table books, etc.

21.22 Development of Question Banks to conduct All India Trade Test for Craftsmen Trainees, and "Awareness Training Programme/"Multiplier Training Programme" for effective use of IMPs to the instructors of ITIs/ITCs to enable effective implementation of Vocational Training.

CHAPTER-22

NATIONAL EMPLOYMENT SERVICE

INTRODUCTION

22.1 Policies, standards and procedures for the National Employment Service are laid down by the Central Government in consultation with the State Government. A Working Group on National Employment Service comprising of representatives of the Central and State Governments facilitates this consultative process. 35th meeting of the Working Group on National Employment Service was held under the Chairmanship of DG/JS, DGET, Ministry of Labour and Employment, Govt. of India, at Hyderabad (Andhra Pradesh) during 24th & 25th Sept., 2008. The meeting was attended by the State Labour Employment Secretaries / State Directors of Employment / representatives and officers of DGE&T. The Working Group considered the present status of NES in different States / UTs and made recommendations for speedy modernization of Employment Exchanges, timely release of EMI data to augment the process of placement to make the Employment Exchanges relevant to the people by use of e-governance to render Vocational Guidance and promotion of self employment. 36th meeting of Working Group is likely to be held shortly.

Salient Features of National Employment Service

- National Employment Service covers all the States and Union Territories.
- Day to day administration of the Employment Exchanges is under the State Government / UTs.
- It has a network of 969 Employment Exchanges.
- As a part of administrative functioning, data are collected through 13 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 and ER-II returns prescribed under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and Rules framed thereunder. The establishments employing 10-24 workers are covered on voluntary basis.

EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES) ACT, 1959.

22.2 The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 provides for compulsory notification of vacancies and submission of employment returns (ER-I and ER-II) 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.

CHAPTER-23

CRAFTSMEN TRAINING SCHEME (CTS)

Background:

23.1 Vocational and technical training of labour is on the concurrent list of constitution of India (entry 25). As per allocation of Business Rule, 1961, the ministry of Labour & Employment is charged with the responsibility of vocational training of the labour. The responsibility is discharged through the Directorate General of Employment and Training, which is an attached office of the Ministry of Labour & Employment.

23.2 The Directorate General of Resettlement & Employment (DGR&E), now known as the Directorate General of Employment & Training (DGE&T), was set up in 1945 for resettling demobilized Defense Service Personnel and discharged War Workers in civilian life. After Independence in 1947, the Directorate General was also called upon to handle the work relating to displaced persons from Pakistan. Subsequently, the scope of the Directorate General 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 The Craftsmen Training Scheme (CTS) was introduced by the Government of India in 1950 to ensure a steady flow of skilled workers in different trades for the domestic industry, to raise quantitatively and qualitatively the industrial production by systematic training, to reduce unemployment among the educated youth by providing them employable skills, to cultivate and nurture a technical and industrial attitude in the minds of younger generation. The Scheme, the most important in the field of Vocational Training, has been shaping craftsmen to meet the existing as well as future manpower need, through the vast network of ITIs in the various states/union territories in the country. The day-to-day administration. ITI under the Craftsmen Training Scheme was transferred to the state governments/union territory administrations with effect from the year 1956. From 1st April, 1969, the financial control of the Industrial Training Institute in the State as well as in the Union Territories was transferred to the respective State Governments/Union Territories. The financial assistance was granted to them in the form of bulk grant in consultation with Planning Commission and the Ministry of Finance.

Growth of ITIs/ ITCs in country

23.4 Craftsmen Training Scheme (CTS) was initiated by Directorate General of Employment & Training (DGE&T), Ministry of Labour & Employment, in 1950 by establishing about 50 Industrial Training Institute (ITIs) for imparting skills in various vocational trades to meet the skilled manpower requirement for industrial growth of the country. Several new private ITIs were established in 1980's in southern states mostly in Kerala, Karnataka and Andhra Pradesh, from where trained craftsmen found placement in the Gulf countries. In year 1980, there were 831 ITIs and the number of Training Institute rose to 1887 in year 1987. It was during this period that private training institute were distinguished from government training institute by naming them as "Industrial Training Centers". During last two decades the growth of ITIs had been steep and as on 1st April, 2009 there were

6906 ITIs/ITCs in the country. Presently (upto 30th October,09) there are 7605 Industrial Training Institute (ITIs) / Industrial Training Centers (ITCs) (2076 in Govt. & 5529 in Private Sector) having a seating capacity of 10.63 Lakh **Annexure – I A & I B – (i & ii)** shows the number of ITIs/ITCs functioning in various States/UTs, their growth over the last about four decades and shares of Govt. and Pvt. Institutes. **Annexure – II-A & II-B** shows the relative distribution of seating capacity in ITIs/ITCs in Govt. and Private Sector.

National Council for Vocational Training (NCVT)

23.5 The Government has set up a tripartite body at the national level, namely, National Council for Vocational Training (NCVT) to advice it on issues relating to “Skill Development” including Craftsmen Training Scheme such as designing of curricula, maintaining quality standards, deciding norms for affiliation, granting affiliation to institutes, trade testing and certification. It is an apex tripartite body under the Chairmanship of Hon'ble Union Labour & Employment Minister. The Council consists of representative of Central Ministries, State Directors, Employers Organizations, Employees' Organizations, Secretarial support to NCVT is provided by DGE&T. Professional Learned Bodies, Experts and representatives of SC/ST.

23.6 Similar Councils known as State Council for Vocational Training (SCVT) are constituted to advice respective State Governments on issues relating to skill development.

Responsibility of Central Government

- To frame overall policies, norms, and standards for Skill Development.
- Formulation of new training schemes for Skill Development of youth.
- Development/revision of course curriculum
- Affiliation of Industrial Training Institutes/Centers.
- Trade testing & certification
- Conducting instructor training course for serving & potential instructor of it is/ITCs.
- Conducting courses for skill up gradation of industrial workers by offering short term & long term courses in specialized field.
- Implementation & regulation of training for trade apprentices under the Apprentices Act. 1961.
- Organizing vocational training programmes for women.
- Bilateral agreements and cooperation in the field of vocational training.

Responsibility of State Government

- Day to day administration of Industrial Training Institute/Centers.
- Implementation of Craftsmen Training Schemes in the ITIs/ITCs.
- Conducting training courses in ITIs.
- Setting up new institutes, addition of trade units in the existing institute as per the requirement of local industries.
- Conduct of trade test & award of certificate.
- Implementation of Central Schemes.
- Processing application for affiliation of new ITIs/ITCs and addition of trades/units in exiting ITIs/ITCs, carry out inspection and forwarding these

applications to DGE&T for affiliation from National Council from Vocational Training.

OBJECTIVES OF THE SCHEME

23.7 The objectives are

- to equip the human resource with appropriate skills/multi Remove space skills required by the various sector of economy.
- To make youth productive by providing employable skill both for wage and self-employment.
- To produce craftsmen of high quality.
- To ensure steady flow of skilled workers in industrial/services sectors.
- To raise the quality and quantity of industrial production by systematic training of potential workers.

SALIENT FEATURES OF THE SCHEME

- Candidates of 14 to 40 years of age are eligible to seek admission in ITIs/ITCs. In case of women candidates there is no upper age limit in exclusive women ITIs/women wings in general ITIs.
- Admission in ITIs /ITCs are done twice a year i.e. in month of August & February.
- Tuition fee in the ITIs is decided by the respective State Govt. as deemed fit based on the recommendation of the concerned State Council for Vocational Training. Tuition fee in case of institutes under DGE&T/UT Administration is Rs.100 p.m. per trainee. However no fee is being charged from SC/ST candidates and persons from disadvantaged groups.
- There is a provision for grant of stipend to the trainees of Govt. ITIs.
- Trainees are also provided with library, sports and medical facilities. Some State Governments levy a nominal fee for the purpose.
- Seats are reserved for SC/ST candidates in proportion to their population in respective State/UT. Guidelines for reserving 3% seats for persons with disability and 30% for women candidates have been issued to State Governments and those could be filled based on the general reservation policy of each State/UT and total reservation is limited to 50%. Seats are also reserved for the wards of defense personnel. Seats for OBC candidates have also been reserved in proportion to the seats reserved for them in Govt. Services in the respective States.
- For optimum utilization of infrastructural facilities available, there is a provision of second and third shifts in ITIs/ITCs with segregated timing. They are encouraged to introduce second shift by appointing one additional trade instructor and additional trainee kit for trainees.
- A placement Cell in every ITI/ITC is set up to facilitate the graduates in getting placement in different industries.
- Institute Management Committee (IMCs) have been formed for ITIs in consultation with apex Industry bodies to improve cooperation between Industry and Industrial Training Institute (ITIs).

CHAPTER-24

APPRENTICESHIP TRAINING SCHEME

BACKGROUND

24.1 Development of human resource is crucial for the industrial development of any nation. Up-gradation of skills is an important component of HRD. Training imparted in Institutions alone is not sufficient for acquisition of skills and needs to be supplemented by training in the actual work place.

24.2 Objective

Apprentice Act, 1961 was enacted with the following objectives:-

- To regulate the programme of training of apprentices in the industry so as to conform to the prescribed syllabi, period of training etc. as laid down by the Central Apprenticeship Council; and
- To utilize fully the facilities available in industry for imparting practical training with a view to meet the requirements of skilled manpower for industry.

24.3 Implementation of the Act

- DGE&T is responsible for implementation of the Act in respect of Trade Apprentices in the Central Government Undertakings and Departments. It is done through six Regional Directorates of Apprenticeship Training located at Kolkata, Mumbai, Chennai, Hyderabad, Kanpur and Faridabad.
- State Apprenticeship Advisers are responsible for implementation of the Act in respect of Trade Apprentices in State Government Undertakings / Departments and Private Establishments.
- Department of Secondary and Higher Education in the Ministry of HRD is responsible for implementation of the Act in respect of Graduate, Technician & Technician (Vocational) Apprentices. This is done through four Boards of Apprenticeship Training located at Kanpur, Kolkata, Mumbai and Chennai.

24.4 Central Apprenticeship Council

- It is an apex statutory tripartite body to advise the Government on laying down of policies and prescribing norms & standards in respect of Apprenticeship Training Scheme.
- It is tripartite by constitution with members from Govt. both Central and State / UTs, Employers & Trade Unions.

24.5 Categories of Apprentices

- I. There are four categories.
- II. Trade Apprentices
- III. Graduate Apprentices
- IV. Technician Apprentices
- V. Technician (Vocational) Apprentices

24.6 **COVERAGE**

- It is obligatory on the part of employers both in Public and Private Sector establishments having requisite training infrastructure as laid down in the Act, to engage apprentices.
- 254 groups of industries are covered under the Act.
- 24,815 establishments engage apprentices.

24.7 **STIPEND**

- Trade apprentices are paid stipend at following rates: Rs. 1090 p.m. for 1st year, Rs. 1240 p.m. for 2nd year, Rs. 1440 p.m. for 3rd year and Rs. 1620 p.m. year. (with effect from 21st March 2007)
- The expenditure on stipend for trade apprentices is borne by the employers.
- The rates of stipend for Graduate, Technician & Technician (Vocational) apprentices are Rs. 2600 p.m. 1850 p.m. and Rs. 1440 p.m., respectively. (with effect from 8th January 2008)
- Expenditure on Stipend for the categories of Graduate, Technician & Technician (Vocational) apprentices is shared equally between the employer and the Central Government.
- Rates of stipend are revised every two years based on Consumer Price Index.

CHAPTER-25

ADVANCED TRAINING FOR WOMEN, INSTRUCTORS, INDUSTRIAL MANPOWER, FOREMEN, SUPERVISORS AND DEVELOPMENT OF INSTRUCTIONAL MEDIA PACKAGES THROUGH CENTRAL INSTITUTE

25.1 As per entry No. 5 of Part V of miscellaneous Business, the schemes for training of instructors, craftsmen, technicians, and foreman at supervisory level, both in India and abroad, have been allotted to Ministry of labour and Employment under the miscellaneous subject.

25.2 DGE&T offer a range of training courses catering to the needs of different segment of the society. The courses are available for the school drop outs; ITI passed out persons, ITI instructors, Industrial Workers, Technicians, Junior and middle level Executives, Supervisor/ Foremen, Women, SC/STs, Ex-servicemen, etc.

25.3 It also conducts training oriented research and undertake development of instructional media packages for the use of trainees, instructors and affiliation of ITIs with National Council of Vocational Training (NCVT) etc. Brief of these programmes have been given the following Paras.

25.4 Within the frame work of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. In this endeavour DGE&T, being the nodal agency, looking training after Vocational Training in country takes care of providing training to Women.

25.5 To take special care for the vocational training of women, a Vocational Training Programme for women was launched in the Ministry of Labour in 1977 and a separate Women's Training Cell was formed under DGE&T. This cell is responsible for designing & pursuing long term policies related to Women's Vocational training in the country. During nineties, this cell has been instrumental in setting up 100 new ITIs for women, 4 RVTIs and 64 women ITIs were strengthened by starting new trades. Revision of curricula of various trades is also taken up from time to time to meet the training needs of the industry.

Institutional Network

25.6 A network of Institutes, both under the Central & State Governments have been set up for extending skill training facilities to women, which aim at stimulating employment opportunities among women of various socio-economic levels and different age groups.

Central Sector

25.7 Under the Central Sector, the Institutional Network includes 11 Institutes, providing training facilities exclusively of women in skills having high wage-employment and self-employment potential. The institutes set up under the Women's Occupational Training Directorate are:

(i) National Vocational Training Institute (NVTI) for women, NOIDA (1977) and Regional Vocational Training Institute (RVTIs) for Women at Mumbai (1977), Bangalore (1977), Thiruvananthapuram (1983), Panipat (earlier started from Hisar in 1986 & now shifted to Panipat in 2009), Kolkata (1986), Tura (1986), Allahabad (1991), Indore (1992), Vadodara (1993) and Jaipur (1994) (Figures in bracket indicate the year of establishment).

25.8 The NVTI at NODIS and RVTIs at Bangalore, Thiruvananthapuram, Jaipur, Allahabad, Kolkata, Tura and Panipat are housed in their own permanent premises. RVTI Mumbai is operating from a permanent building provided by the State Government of Maharashtra in 1986. RVTIs at Indore and Vadodara are operating from the temporary premises given by the respective State Governments. For construction of permanent building for RVTI Indore land measuring about 5 acres has been taken over on rent in the premises of ESIC hospital at Indore. For RVTI, Vadodara the State Government of Gujarat has already allotted the land. Construction of permanent buildings for the above said RVTIs has also been approved and CPWD has taken over the construction work.

25.9 Hostel facilities are available at NVTI-NOIDA and RVTIs at Bangalore, Mumbai, Jaipur, Thiruvananthapuram, Kolkata, Tura Allahabad and Panipat.

Training Institute under State Sector

25.10 Vocational Training facilities exclusively for women at Craftsmen level (Basic courses) are provided through a network of Women Industrial Training Institute (WITIs) / Women wings in general ITIs under the administrative control of the State Governments. The details on number of WITIs/wings etc. & the training seats sanctioned is collected from the respective State Governments and compiled by the Women's Training Directorate at DGE&T. There are about 1213 Women ITIs and women wing in general ITIs (289 Govt. Women ITIs and 80 Private Women ITCs, 726 Women training Wings in Govt. ITIs and 118 Women training Wings in Private ITCs) having a total of 51,804 Training seats.

25.11 To promote participation of women in Craftsmen Training, the NCVT has recommended that the State Government reserve 30% seats for women in general ITIs. The Women Industrial Training Institutes (WITIs) / Women's wing in general ITIs offer training in Basic Skill Courses (as under Craftsmen Training Schemes) in selected trades out of the 62 engineering & 50 non-engineering trades approved by the NCVT.

CRAFT INSTRUCTOR TRAINING

25.12 Training of Craft Instructors is the responsibility of DGE&T in the Ministry of Labour & Employment. The Craft Instructors' Training Scheme is operational since inception of the Craftsmen Training Scheme. The first Craft Instructors' Training Institute was established in 1948. Subsequently, 5 more institutes namely, Central Training Institute for Instructor {now called as Advanced Training Institute (ATI)}, ATI at Ludhiana, Kanpur, Howrah, Mumbai and Hyderabad were established in 1960's by DGE&T.

25.13 Objective of the Craft Instructor Training is to train Instructor in the techniques of transferring hands-on skills, in order to train semi-skilled / skilled manpower for industry. Under the programme, Instructors from State Govt. ITIs & ITCs and Training Centres established by industries under the Apprentices Act are provided training. Training in 29 Engineering trades is offered in these institutes. Total seating capacity in the Engineering trades in operation in the above stated six institutes is 1050.

ADVANCED VOCATIONAL TRAINING

25.14 In order to upgrade and update the skills of serving industrial workers, an Advanced Vocational Training Scheme (AVTS) is in operation since 1977. The scheme was taken up by DGE&T Ministry of Labour in collaboration with UNDP/OLO in 1977 at 6 Advanced Training Institute (ATIs) under DGE&T and 16 Industrial Training Institute (ITIs) of the 15 States Government. The objectives of the scheme are to upgrade and update the skills of serving industrial workers to specialize in their field of work.

25.15 Under the scheme, training in selected skill areas is being imparted through short-term modular courses of one to six weeks' duration Tailor-made courses suiting to the specific requirements of industrial establishments are also offered.

- Over 1, 65,459 industrial workers/technicians have made use of the training facilities at 6 ATIs and CTI under DGE&T till October, 2009.

25.16 To meet the growing demand of industry advanced skill training facilities were extended to 30 ITIs of various State Governments/ UTs under the Vocational Training Project taken up with financial assistance from World Bank during the period 1989-98. Under this project, training facilities in additional areas were created at 6 ATIs and the existing training facilities were also strengthened.

25.17 NC/CNC Training Centers have been established at ATIs/CTI, Chennai, Mumbai and Kanpur with UNDP/ILO assistance to meet the growing need of trained workers in Hi-Tech areas. Training courses for operators, programmers and technicians on NC/CNC Machines are being conducted at these centers.

25.18 ATI-EPI Hyderabad was established in 1974 with the assistance from the Swedish International Development Authority (SIDA), ILO to cater to the training requirement of industries/organizations by offering both shorter and long term courses in the field of Electronic & Process Instrumentation. Training activities of this institute are now grouped under five major wings:

- ✓ Consume Electronics Wing – provides training in the disciplines of Audio Radio, Colour TV, CCTV, Digital Camera and Cable TV Equipment, Cordless phones and Cell phones.
- ✓ Industrial Electronics Wing – provides training in the disciplines of Power, Electronics, Digital and linear ICS, Microprocessors, Micro Controller and PLCS.
- ✓ Information Technology Wing – provides training in Computer Hardware, Software and Networking.
- ✓ Medical Electronics Wing – provides training in all aspects of Sophisticated Modern Medical Electronics equipment.
- ✓ Process Instrumentation Wing – provides training in Industrial Sensors, Process Control, Microprocessors, PLC in Process Industries.

25.19 The second ATI-EPI at Dehradun has been set up to cater to the needs of the Industries and other organizations of the Northern Region in the fields of Consumer Electronics, Industrial Electronics, Medical Electronics and Process Instrumentation. This Institute offers short-term courses, long term courses and tailor made courses in the field of Consumer Electronics and Industrial Electronics.

SUPERVISORY TRAINING

25.20 DGE&T has established two Foremen Training Institutes (FTIs) at Bangalore and Jamshedpur for technological and behavioural up gradation of supervisory skills. The objectives include consciousness of better quality and productivity, ability for problem solving, cost reduction, and application of modern technology, amongst supervisors/managers engaged in the industry.

25.21 The institutes besides, offering regular courses for award of Diploma and Post Diploma in Foremanship also offers short-term courses and Tailor-made courses suiting to the needs of the industries. In order to cope up with the changing industrial scenario, training facilities in the areas like CAD, CNC Technology, Welding, Engineering Instrumentation and Metrology, Pneumatics, Electro-pneumatic etc. have been upgraded.

25.22 During the Year 2009-10, 416 (till October 2009) persons were trained at these institutes. These institutes have conducted 3234 courses and trained 43,989 foremen/supervisors in short-term and long-term course. Detailed information about the courses offered, entry qualifications, fee structure, calendar of the year etc. is available at DGE&T website www.dget.nic.in.

CENTRAL STAFF TRAINING & RESEARCH INSTITUTE, KOLKATA

25.23 The institute has been set up to conduct training for executive staff, undertake applied research in the field of vocational Training and to develop and disseminate instructional materials and projected/non-projected training aids.

25.24 Institute organizes training programmes of trainers and junior/senior management personnel engaged in planning, execution, control and evaluation of vocational training. The Institute conducts Problem Oriented Research Studies on different aspects of Vocational Training to bring qualitative improvement and for effective implementation of the National Vocational Training System.

25.25 Research studies in related to development of curricula of new trades and revision/updating of existing trades, based on feedback from the industry. The institute also develops instructional material for Craft Instructor Training. It undertakes development of teaching aids (both projected & non-projected) keeping the pedagogical aspects in mind.

NATIONAL INSTRUCTIONAL MEDIA INSTITUTE (NIMI), CHENNAI

25.26 The Institute has been set up with the assistance of Government of Germany in December, 1986. The institute has been made autonomous on 1st April, 1999. The institute was earlier known as “Central Instructional Media Institute (CIMI)” As per the recommendations of the Governing Council, the institute was renamed as National Instructional Media Institute (NIMI) to reflect its National Character. The main objective for the establishment of the Institute is to make available instructional materials in various trades for use of the trainees and trainers to ensure overall improvement in the standard of institutional training being imparted under Craftsmen and Apprenticeship Training Programmes. Present activities of the Institute include development, production and dissemination of Instructional Media Packages (IMPs) comprising of books on Trade Theory, Trade Practical, Test/Assignment, Instructor’s Guide, Visual Aids, Support materials such as books on Workshop Calculation & Science, Reference text books, Table books etc. Development of Question effective implementation of Vocational Training.

CHAPTER-26

INFORMATION TECHNOLOGY INITIATIVES IN NATIONAL EMPLOYMENT SERVICE AND NATIONAL VOCATIONAL TRAINING SYSTEM

26.1 DGE&T, responsible for “National Employment Service” and “National Vocational Training” in the country, has taken initiatives to achieve wide spread applications of IT in all possible areas of employment service and vocational training. These are: Comprehensive MIS in DGET Intranet <http://dget.nic.in/intradget>; DGET Website <http://dget.gov.in>; National Vocational Training Information Service providing statistics/information on Trades, Affiliated ITIs, Field Offices/Institutes and their training calendars, Trade Apprentices seats in the Central Establishments etc.; Email/Internet connectivity to all the field offices/institutes, E-mail facility to field institutes of DGE&T. All the field institutes are progressing for registering their own websites under <http://dget.gov.in> domain. A team of experts responsible for achieving the above objectives continue to maintain the existing facilities and ensure widespread application of IT.

26.2 For implementation of a separate central scheme for ‘Establishment of Management Information System (MIS) for NVTS’, two Central Units (one for development by NIC and the other for implementation) are functioning. All the DGE&T related applications are available through intradget portal at <http://dget.nic.in/intradget>. The intradget/portal for DGET facilities.

- On-line submissions of monthly progress returns related to short-term/regular course in respect of NVTI/RVTI's.
- On-line submission of returns of RDAT's
- Compilation of returns based on institute/disciplines
- Training calendar updation by field institutes under Training Directorate.
- ITI's/ITCs and affiliated trades information management facility for updating by state directorates.
- Directory of post and personal in its filed offices.

26.3 To facilitate the communication between the filed institute/offices and DGET headquarters group email address have been got cremated through NIC.

LIST OF CENTRAL ACTS	
SL. NO	NAME OF ACT
01.	The Employees' State Insurance Act, 1948
02.	The Employees' Provident Fund and Miscellaneous Provisions Act, 1952
03.	The Dock Workers (Safety, Health and Welfare) Act, 1986
04.	The Mines Act, 1952
05.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare(Cess) Act, 1976
06.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
07.	The Mica Mines Labour Welfare Fund Act,1946
08.	The Beedi Workers Welfare Cess Act, 1976
09.	The Limestone and Dolomite Mines Labour Welfare Fund Act,1972
10.	The Cine Workers Welfare (Cess) Act,1981
11.	The Beedi Workers Welfare Fund Act, 1976
12.	The Cine Workers Welfare Fund Act,1981
13.	The Child Labour (Prohibition and Regulation) Act, 1986.
14.	The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996.
15.	The Contract Labour (Regulation and Abolition) Act, 1970.
16.	The Equal Remuneration Act, 1976.
17.	The Industrial Disputes Act, 1947.
18.	The Industrial Employment (Standing Orders) Act, 1946.
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
20.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21.	The Maternity Benefit Act, 1961
22.	The Minimum Wages Act, 1948
23.	The Payment of Bonus Act, 1965
24.	The Payment of Gratuity Act, 1972
25.	The Payment of Wages Act, 1936
26.	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27.	The Building and Other Construction Workers Cess Act, 1996
28.	The Apprentices Act, 1961
29.	The Factories Act, 1948

30.	The Motor Transport Act, 1961
31.	The Personal Injuries (Compensation Insurance) Act, 1963
32.	The Personal Injuries (Emergency Provisions) Act, 1962
33.	The Plantation Labour Act, 1951
34.	The Sales Promotion Employees (Conditions of Service) Act, 1976
35.	The Trade Unions Act, 1926
36.	The Weekly Holidays Act, 1942
37.	The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
38.	The Children's (Pledging of Labour) Act, 1938
39.	The Workmen's Compensation Act, 1923
40.	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
41.	The Bonded Labour System (Abolition) Act, 1976
42.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
43.	The Employees' Liability Act, 1938
44.	The Unorganized Workers' Social Security Act, 2008

RANGE OF MINIMUM WAGES FOR UNSKILLED WORKERS IN DIFFERENT STATES/UNION TERRITORIES.

Sl. No.	State/Union Territory	Range of Minimum Wages per day (in rupees)
(1)	(2)	(3)
	Central	78.00-186.00
	State/Union Territories	
1.	Andhra Pradesh	58.25-163.00
2.	Arunachal Pradesh	55.00
3.	Assam	54.80-79.60
4.	Bihar	75.00-89.00
5.	Chhattisgarh	69.00-103.28
6.	Goa	90.00-110.00
7.	Gujarat	55.00-115.80
8.	Haryana	138.00
9.	Himachal Pradesh	100.00
10.	Jammu & Kashmir	66.00
11.	Jharkhand	86.40-90.00
12.	Karnataka	73.96-133.10
13.	Kerala	72.00-328.80
14.	Madhya Pradesh	88.20-133.65
15.	Maharashtra	46.13-201.30
16.	Manipur	72.40
17.	Meghalaya	70.00
18.	Mizoram	103.00
19.	Nagaland	66.00-70.00
20.	Orissa	70.00
21.	Punjab	102.60-104.31
22.	Rajasthan	87.81-100.00
23.	Sikkim	100.00
24.	Tamil Nadu	57.94-158.70
25.	Tripura	62.00-98.08
26.	Uttar Pradesh	76.31-115.87
27.	Uttarakhand	72.22-142.42
28.	West Bengal	57.01-126.42
29.	Andaman & Nicobar	130.00-161.77
30.	Chandigarh	136.40
31.	Dadra & Nagar Haveli	102.00
32.	Daman & Diu	95.00
33.	Delhi	142.00
34.	Lakshadweep	71.90
35.	Puducherry	55.77-124.00

Details of Occupational Disease Centre (ODC) cum Model Hospitals in various States		
Sl. No.	State	Place
1.	Andhra Pradesh	Nacharam, Hyderabad
2.	Assam	Beltola
3.	Jharkhand	Ranchi
4.	Kanataka	Rajajinagar, Bangalore
5.	Kerala	Asramam, Kollam
6.	Orissa	Rourkela
7.	Punjab	Ludhiana
8.	Rajasthan	Jiapur
9.	Uttar Pradesh	Noida
10.	Bihar	Phulwarisharif
11.	Gujarat	Bapu Nagar, Ahmedabad
12.	Jammu	Bari Brahmna
13.	NCT Delhi	Basaidarapur (ODC cum Model Hospital)
14.	West Bengal	Joka, Kolkata (ODC cum Model Hospital)
15.	Tamil Nadu	KK Nagar, Chennai (ODC cum Model Hospital)
16.	Madhya Pradesh	Nanda Nagar, Indore (ODC cum Model Hospital)
17.	Chandigarh UT	Chandigarh
18.	Mumbai	Andheri (ODC cum Model Hospital)
19.	Jharkhand	Adityapur
20.	Kerala	Udyogmandal
21.	NCT Delhi	Rohini
22.	NCT Delhi	Jhilmil
23.	NCT Delhi	Okhla

EMPLOYMENT OF WOMEN – PROTECTIVE LEGAL PROVISIONS	
Name of the Enactment	Protective Provisions
The Beedi & Cigar Workers (Conditions of Employment) Act, 1966	Provision of crèches for the benefit of women workers in the industrial premises wherein more than fifty female employees are ordinarily employed.
The Plantation Labour Act, 1951	<ul style="list-style-type: none"> ○ 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. ○ Women workers are provide time off for feeding children.
The Contractor Labour (Regulation & Abolition) Act, 1970	<ul style="list-style-type: none"> ○ Provision of crèches where twenty or more women are ordinarily employed as contract labour. ○ Female contract labour to be employed by any contractor between 6:00 AM to & 7:00 PM with the exception of mid wives and nurses in hospitals and dispensaries.
The Inter State Migrant establishments Workmen (Regulation of Employment & Conditions of Service) Act, 1976	Provision of crèches for the benefit of women workers in wherein twenty or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for three months or more.
The Factories Act, 1948	<ul style="list-style-type: none"> ○ Provision of crèches in every factory wherein more than thirty women workers are ordinarily employed. ○ Employed of women in factory is prohibited except between the hours of 6:00 AM to 7:00 PM. However, in exceptional circumstances, employment of women is permitted upto 10.00 P.M. ○ Employment of women is also prohibited in certain factories

	involving dangerous manufacturing process or operations
The Mines Act, 1952	Employment in mines below ground prohibited and in any mine above ground except between the hours of 6 am and 7 pm however no employment of women between 10 pm to 5 am is permitted. Further, women employed aboveground shall have rest period not less than eleven hours. Provisions of separate toilets and washing facilities for women workers.
The Maternity Benefit Act, 1961	<ul style="list-style-type: none"> ○ Maternity benefit to be provided on completion of 80 days working. ○ Not required to work during six weeks immediately following the day of delivery or miscarriage. No work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of fetus or which may cause miscarriage or is likely to affect health to be given for a period of six months immediately preceding the period of one week before delivery. On medical certificate, advance maternity benefits to be allowed. ○ Rs. 250/- as Medical bonus to be given when no prenatal confinement and post natal care is provided free of charge.
The Equal Remuneration Act, 1976	<ul style="list-style-type: none"> ○ Payment of equal remuneration of men and women workers for same or similar nature or work protected under the Act. ○ No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.
The Employee's State Insurance (General) Regulations, 1950	<ul style="list-style-type: none"> ○ Claim for maternity benefit becomes due on the date medical certificate is issued for miscarriage, sickness arising

	<p>out of pregnancy, confinement or premature birth of child.</p> <ul style="list-style-type: none"> ○ Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.
The Beedi Workers Welfare Fund Act, 1976	Appointment of women member in the Advisory and Central Advisory Committee is mandatory under these Acts.
The Iron or Mines, Manganese or Mines and Chrome or Mines Labour Welfare Fund Act, 1976	
The Lime Stone and Dolomite Mines Labour Welfare Fund Act, 1972	
The Mica Mines Labour Welfare fund Act, 1946	
The Building and Other Construction Workers (Regulation of Employment and conditions of Service) Act, 1996	<ul style="list-style-type: none"> ○ Representation of a women member on Building and other Construction Worker Welfare Boards. ○ Provisions for maternity benefit to female beneficiaries of the Welfare Fund. ○ Provisions for crèches where more than 50 female construction workers are ordinarily employed.
The Industrial Employment (Standing Orders) Act, 1946	Provisions regarding safeguard against sexual harassment of women at their work places.