

The Building and Other Construction Worker's Welfare Cess Act, 1996

410. SHRI VIJAY GOEL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the Building and Other Construction Workers' Welfare Cess Act, 1996 is in force in the National Capital Territory of Delhi;

(b) how much cess has been collected, upto 31.03.2014 by the Welfare Board constituted under the Act; and

(c) how much of this amount was spent on labour welfare projects?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): (a) Yes, Sir. The Building and Other Construction Workers' Welfare Cess Act, 1996 is enforced in National Capital Territory of Delhi.

(b) The Delhi Building and Other Construction Workers Welfare Board, established/set up on 2.09.2002, has collected Cess funds of ₹ 1362.95 crore as on 31.03.2014.

(c) The Board has spent ₹ 44.19 crore till date out of which ₹ 37.57 crore spent against Labour Welfare projects (Welfare Schemes for registered Construction Workers).

Amendments in Labour Laws by State Governments

411. SHRI D. RAJA:

SHRI M. P. ACHUTHAN:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that some State Governments have made/proposed amendments to various Labour Laws recently;

(b) if so, whether these State Governments have taken permission from the Central Government as they are central laws; and

(c) if so, the details thereof and the details of the amendments made by various State Governments?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): (a) and (b) Yes, Sir.

(c) The details of the amendments proposals received from State Governments for seeking concurrence are given in the Statement. (*See below*)

*Statement**State Legislation - Amendment proposals of Government of Rajasthan*

1. **The Industrial Disputes Act, 1947 (2-A):- In case of dismissal, discharge, retrenchment or termination of an individual workman, for raising the industrial dispute 3 years limitation period is proposed.**

The provision of 3 years limitation period for raising the Industrial Dispute **already exists** in the ID Act, 1947. Section 2A(3) was inserted *vide* amendment of 2010, providing limitation of period of 3 years from the date of dismissal, retrenchment, discharge for making the application to the Labour Court/Tribunal.

2. **The Industrial Disputes Act, 1947 (9 D - Rajasthan Amendment). For the purpose of recognition of the trade union, the membership of the trade union is proposed to increase from 15% to 30%.**

The Government of Rajasthan only amended the Industrial Disputes Act, 1947 in 1958 and inserted a provision for registration of the representative union. Similar provision do not exist in the Central Act. Ministry of Labour of Employment has **no objection** to the proposed amendment for increasing membership of union from 15% to 30% for the purpose of registering as representative union.

3. **The Industrial Disputes Act, 1947 (25-K): For applicability Chapter V-B i.e. Preconditions of permission from the appropriate Government, notices, compensation for lay off, retrenchment, closure, it is proposed to increase from 100 to 300 workmen. However, State Government can also apply provisions of Chapter V-B to an establishment in which less than 300 but not less than 100 workmen are employed.**

For applicability of Chapter V B of Industrial Disputes Act, 1947 *i.e.* Preconditions of permission from the appropriate Government, notices, compensation for lay off, retrenchment, closure, 100 or more workmen is required.

In the year 1984 by amendment of the Act, for applicability of Chapter V B, the limit of number of workmen were reduced from 300 to 100 for giving statutory protection to workmen of smaller establishments. The trade unions will strongly oppose the proposal of Rajasthan Government for increasing the number of workmen from 100 to 300. It is also not clear whether tripartite consultations have taken place as required under ILO Convention 144.

4. **The Industrial Disputes Act, 1947 [25-N (1) (a)]: 3 months' notice or wages in lieu of notice period is required to be paid before retrenchment or closure. It is proposed to delete the wages in lieu of notice period.**

The proposal for removing the wages in lieu of the 3 month's notice in case of retrenchment or closure, and making three months notice compulsory, the Ministry of Labour and Employment has **no objection** to this proposal.

5. **The Industrial Disputes Act, 1947 [25-N (9)]: In case of retrenchment in addition to the prescribed compensation i.e. 15 day's wage for each completed year of service. It is proposed to pay to three months average pay to workman.**

The proposal is to provide additional financial security to the retrenched workmen in addition to the compensation prescribed in Section 25-N (9) of the Industrial Disputes Act, 1947. The Ministry of Labour and Employment has **no objection** to this proposal.

6. **The Industrial Disputes Act, 1947 [(25-O(8))]: In case of closure in addition to the prescribed compensation i.e. 15 day's wage for each completed year of service. It is proposed to pay to three months average pay to Workman.**

The proposal is to provide additional financial security to the retrenched workmen in addition to the compensation prescribed in Section 25-O (8) of the Industrial Disputes Act, 1947. The Ministry of Labour and Employment has **no objection** to this proposal.

7. **The Industrial Disputes Act, 1947 Para 5 of part II of the fifth schedule i.e. unfair labour practices related to "go slow". Proposed to define "go slow".**

The Ministry of Labour and Employment has **no objection** to the proposal to define "go slow".

8. **The Contract Labour (Regulation & Abolition) Act, 1970 Section 1(4)(a) & (b): For applicability of the Act, the number of workmen is proposed to increase from 20 to 50.**

The two days strike notice by all CTUOs included the issue to protect the interest of contract labour. If the number of workmen increased from 20 to 50 for applicability of the Act, a large number of contract labour would be deprived from the benefits/ protection provided in the Act. Since the issue of contract labour is frequently raised by all the CTUOs, they will strongly oppose this proposal. It is also not clear whether tripartite consultations have taken place as required under ILO Convention 144.

9. **The Factories Act, 1948 Section 2(M)(I): Proposal is to increase from 10 to 20 workers with the aid of the power for the purpose of definition of factory.**

The Factories Act, 1948 provide for the health, safety and welfare of the workers. In the absence of any other alternative provision, just taking out the workers from the Factories Act is likely to be opposed by the trade unions. It is also not clear whether tripartite consultations have taken place as required under ILO Convention 144.

10. **The Factories Act, 1948 Section 2(M)(II): Proposal is to increase from 20 to 40 workers without the aid of power for the purpose of definition of factory.**

The Factories Act, 1948 provide for the health, safety and welfare of the workers. In the absence of any other alternative provision, just taking out the workers from the Factories Act is likely to be opposed by the trade unions. It is also not clear whether tripartite consultations have taken place as required under ILO Convention 144.

11. **The Factories Act, 1948 Section 105. Power of Inspector for launching the prosecution is proposed to be the power of the State Government i.e. no prosecution can be launched without the previous sanction of the State Government.**

The Ministry of Labour and Employment has **no objection** if the prosecution can be launched with the prior sanction of the State Government.

12. **The Factories Act, 1948 Section 106: Proposed for the compounding of the offences.**

The Ministry of Labour and Employment has also proposed for the compounding of the offences in its amendment, hence, has **no objection** to this proposal.

Change in pattern of examination of ITIs

†412. SHRIMATI KANAK LATA SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that the pattern of annual examination or examination on completion of training of the apprentices has been changed in Industrial Training Institute (ITIs) and it has been replaced with the semester system of examination and consequently examinations are given several times;

(b) whether semester system of examination has led to increased financial burden on apprentices which has resulted in decrease in enrolment to ITIs;

(c) the details of apprentices enrolled to ITIs during the last five years; and

†Original notice of the question was received in Hindi.