

URGENT

No.A.42012/51/2016-Ad.II
Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya

North Block, New Delhi,
Dated the ~~Aug~~, 2016
1st Sept.

CIRCULAR

Subject:- Notice for Country-wide strike by the Central Trade Unions Organizations on 02.09.2016.

The undersigned is directed to enclose herewith a copy of D.O. letter No. 51040/4/2015-IR(PG) dt. 22.08.2016 received from Secretary, M/o Labour & Employment on the subject mentioned above for necessary action.

(Amarendra Singh)

Under Secretary to the Govt. of India
Tele. No. 2309 2085

To

1. All Joint Secretaries (by name) in MHA(P)/D/O Official Language in r/o the organisations under their administrative control.
2. All the offices/sections/desks of MHA(P) in NB/JSH/NDCC-II, New Delhi, including the D/o Official Language.
3. The Chief Security Officer, MHA, North Block, New Delhi – for taking appropriate action.
- ✓ 4. NIC-MHA, North Block, New Delhi - for hoisting the Circular along with enclosure on the Notice Board of the Website prominently and for providing the bio-metric attendance of the staff of MHA(P) on the day of the strike.

Copy for information to :-

- (i) PS to HM/MOS(R)/MOS(H).
- (ii) PPS to HS/Secy.(BM)/SS(IS)/SS&FA/AS(LWE)/AS(P)/AS(F).

शंकर अग्रवाल, आई०ए०ए०
भारत सरकार के सचिव
SHANKAR AGGARWAL, I.A.S.
Secretary to Govt. of India



MINISTRY OF LABOUR & EMPLOYMENT
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D.O.No:51040/4/2015-IR(PG)

Office of Secy. (EM)

Dated: 22.08.2016

Dy. No. 836890

Dated: 29-8-16

Dear Secretary,

JS (DS-E)
DIR (ISI)
DS (ISI)

The Central Trade Unions Organizations have declared that they would go for Country-wide strike on 2nd September, 2016. The Unions affiliated to the Central Trade Unions and Workers Organizations have given the strike notices to the authorities of appropriate Government in Central and State governments/UTs, to press for their Charter of Demands.

2. In this regard, it is worth mentioning that the last meeting on the pending Charter of Demands was held on 18-07-2016 under the Chairmanship of Hon'ble Minister of Labour & Employment (Independent Charge). During the said meeting concerns of Central Trade Unions were discussed threadbare and initiatives taken by the government in this respect were explained.

3. In the above said meeting various measures in favour of the working class of the different categories were elaborated and few of these measures are again given below:

- a. Establishing Price Stabilization Fund, Pradhan Mantri Fasal Bima Yojana, Pradhan Mantri Krishi Sinchai Yojana for protecting the interests of marginal farmers and agriculture workers
- b. Initiatives like Soil Health Card, Neem Coated Urea, Mobile Apps for Farmers will be helpful in increasing production and containing price rise. The WPI rate of inflation of "Food Articles" group has declined to 3.43% during 2015-16 as compared to 6.08% during 2014-15.
- c. National Career Service (NCS) launched for bringing job seekers and job providers on a I.T. driven common platform to exchange nation-wide information on employment opportunities.
- d. Under the Shram Suvidha Portal strict enforcement of all labour laws are being ensured through a transparent labour inspection scheme which has been introduced to reduce arbitrariness in the inspection system.
- e. Various social security cover for all the workers employed in unorganized sector have been introduced like Atal Pension Yojana, Pradhan Mantri Jeevan Jyoti Bima Yojana, Pradhan Mantri Suraksha Bima Yojana and around 12.6 crore people have been enrolled up to 28.01.2016 under these schemes.

Stamp: 836890, Date: 31/8/2016

DS to JS (ISI)
The matter relates to JS (A)

30/8/16

31/8/16

JJA,
for work

31.8

31/8/16

Cont 2/-

Ms KS

DS (E)

31/8

- f. A comprehensive medical scheme for bringing volunteers of various schemes rickshaw pullers/auto drivers, domestic workers and other construction workers in unorganised sector under ESIC is being framed.
- g. The Government is considering to introduce the National Minimum Wage for all workers.
- h. The Labour Reforms are primarily in the nature of rationalisation and codification of multiple labour laws. The running theme of the Labour reforms is to ensure employment security, wage security and social security to all workers. The legislations so far enacted or in the process of enactment such as Amendment to Payment of Bonus Act 1965, Maternity Benefit Act, 1961, Child Labour (Prohibition and Regulation) Act 1986 contain beneficial provisions for the workers.
- i. Disinvestment and FDI are being contemplated only to bring in efficiency and infusion of new capital in the overall interest of the economy.

4. The updated status of the action taken on the 12 point Charter of Demands given by the Trade Unions is enclosed herewith for kind perusal.


5. In spite of the above mentioned proactive steps undertaken by the Government to address their Charter of Demands, the Central Trade Unions have given a call for country-wide strike on 2nd September 2016.

6. I, therefore, request you to kindly advise the Heads of the Organizations and units under your control to take effective measures for their smooth running. Necessary measures to maintain continuity of production processes, operations and services including public utilities and essential services may be taken.

7. It is also requested that they may be advised to submit the status report of strike to the concerned authorities, in case strike occurs on 2nd September 2016.

With regards.

Yours sincerely,


(Shankar Aggarwal)

All Secretaries to the Government of India

(As per list enclosed)

Meeting-Date: 18.07.2016



Ministry of Labour & Employment

Updated status on the 12 Demands of Central Trade Unions

Sl. No.	Demand	Status / Initiatives By Govt		
1.	Urgent measures for containing price rise through universalization of public distribution system and banning speculative trade in commodity market.	<ul style="list-style-type: none"> ➤ Increased crop coverage of Pulses – due to higher MSP ➤ National Agriculture Market – e-Market platform to remove impediments in agriculture market. ➤ Price Stabilization Fund (PSF) with corpus of Rs 500 Crore- Imports of Onion and Pulses are being made through PSF. ➤ All exchanges including commodity exchanges help in stabilising prices ➤ Pradhan Mantri Fasal Bima Yojana (PMFBY)- The farmers has to pay of very low premium which is only 5 percent and the balance premium will be paid by the Government to provide full insured amount to the farmers against crop loss on account of natural calamities. The Government subsidy is also having the upper limit, even if the balance4 premium is 90 percent, that will be borne by the Government. ➤ Pradhan Mantri Krishi Sinchai Yojana (PMKSY) - recently launched with focus on creating sources of assured irrigation. ➤ Initiatives like Soil health card, Neem Coated Urea, Mobile Apps for Farmers will be helpful in increasing production and containing price rise. ➤ All exchanges including commodity exchanges help in stabilizing prices. ➤ Rate of Inflation of Food Articles: <ul style="list-style-type: none"> 2013-14 : 12.76% 2014-15 : 6.08% 2015-16 : 3.43% 2016-17 : Monthly rate of inflation is as under: <table border="1" style="margin-left: 40px; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">April, 2016</td> <td style="padding: 2px 10px; text-align: center;">4.23%</td> </tr> </table> <p>The WPI rate of inflation of "Food Articles" group has declined to 3.43% during 2015-16 as compared to 6.08</p>	April, 2016	4.23%
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		<p>% during 2014-15. The monthly rate of inflation in 2015-16 has been shown above table and it was 4.23% in April, 2016.</p>
02.	<p>Containing unemployment</p>	<p>➤ About 10 million people join work force every year.</p>
	<p>through Concrete measures for Employment Generation</p>	<p>➤ As per Labour Bureau Report: overall estimated employment in all selected sectors has experienced a net addition of 38.81 lakh (persons) starting from the 1st survey (October, 2008 to December, 2008) till the 28th Survey (October, 2015 to December, 2015).</p> <p>➤ The Government has started several new schemes/ programmes like:</p> <ul style="list-style-type: none"> • 'Make in India' • Skill India • Digital India' • Pradhan Mantri Mudra Yojana • Startup India • New Infrastructure Projects – Smart City, Housing for All, Industrial Corridor etc. to increase employment generation. <p>➤ A new Ministry of Skill Development created</p> <p>➤ National Career Service (NCS) Portal launched by Hon'ble Prime Minister on 20.07.2015. NCS Portal operational and provides job-seekers and employers nationwide information on employment opportunities.</p> <ul style="list-style-type: none"> • NCS has a rich repository of career content of over 3000 occupations. • Government already approved establishment of 100 Model Career Centres (MCCs). • More than 9.67 Lakh establishments having LIN pre-registered on NCS portal. 3.6 Crore job seekers have been registered. <p>➤ Reforms in legal and administrative framework for ease of doing business</p> <p>➤ Deployment of IT for higher level of Transparency & Accountability e.g. ESIC,</p>

EPFO, Income Tax, e-Biz etc.

A new Scheme "Pradhan Mantri Rojgar Protsahan Yojana" has been initiated in the year 2016-17 with the objective of promoting employment generation with the allocation of Rs. 1000 crores.

03.

Strict enforcement of all basic Labour Laws without any exception or exemption and stringent punitive measures for violation of labour laws.

- The Central Government and State Governments are responsible for the enforcement of Labour Laws in their respective spheres. Transparency and accountability in the enforcement is key to effective enforcement.
- Hon'ble Prime Minister has launched Shram Suvidha Portal on 16.10.2014 which aims at transparency and accountability in in the system.
- The main features of Shram Suvidha Portal are:
 - Allotment of Unique Labour Identification Number (LIN) to all the establishments to ensure integration of the enforcement activities of different agencies. LIN has been already issued to more than 12 lakh units so far.
 - A web based Transparent Labour Inspection Scheme has been introduced to reduce arbitrariness in the inspection system. As on 31.03.2016 - 1,74,257 inspections assigned and 1,61,916 inspection reports uploaded on portal.
- Stricter punishments for serious violations of labour law proposed in Labour Law Amendments.
- Deployment of IT for higher level of compliance and enforcement.
- Inspection system being strengthened through use of technology and filling up vacancies.
- For better enforcement of Labour Laws in states:
 - Five Regional Labour Conferences held in 2015 at the level of Hon'ble Labour Minister with State Governments to sensitize for enforcement of labour laws.
 - D.O. letters sent to Chief Ministers by Hon'ble Labour Minister and to Chief Secretaries by Secretary (L&E).

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- For effective implementation of Labour Laws, two Special Drives were conducted by the Office of CLC(C) during 15th November – 15th December, 2015 and 01-31st March, 2016.
 - The number of inspections conducted by CLC(C) during 2015-16 stands at 29,233 compared to that of 19,384 during 2014-15.

04. Universal Social Security cover for all workers

Social Security Cover

For Unorganized Sector:-

- Minimum Pension: The Government is providing a minimum pension of Rs. 1000 / month to the pensioners under EPS, 1995 from the financial year 2014-15 which has been extended in perpetuity beyond 01.04.2015. The Government is providing subsidy of Rs. 800 crore per year as a top-up amount to grant the Minimum Pension to the Pensioners. Around 20 lakhs pensioners are benefitted under this scheme out of around 55 lakh pensioners. If pension is increased to Rs. 2000 per month, no. of pensioners benefitted would be 45 lakh and an additional top-up amount of Rs. 3300 crore per annum would be required to meet the additional liability.
- Gratuity: Gratuity is granted to employees engaged in factories, mines, ports, railways, shops or other establishments in which 10 or more persons are employed. At present, the amount of gratuity cannot exceed 10 lakh rupees. As the Central Government has enhanced the limit of Gratuity to 20 lakh rupees in respect of

(15)

		<ul style="list-style-type: none">➤ Project Panchdeep: To digitize internal and external processes and to ensure efficiency in services of ESIC.➤ AYUSH facilities are being extended to all ESIC Dispensaries / Hospitals.➤ ESI scheme is being extended to four new States/ UT in Arunanchal Pradesh, Mizoram, Manipur and Andaman & Nicobar Islands. It has been implemented in Mizoram w.e.f. 01.12 2015 and in Port Blair w.e.f. 01.01.2015.
		<ul style="list-style-type: none">➤ Ceiling for Medical reimbursement to States increased from Rs. 1500/- to Rs. 2000/- per person per year.➤ A portable smart card 'Pehchan Card' for 2 Cr. Insured Persons.➤ ESIC has proposed for ESI Scheme in remaining 271 districts of the Country where the scheme is presently not implemented. ESIC has also started covering the whole of districts under ESI Act where a part of it was earlier covered under the Act. This will entail pan-India presence of ESIC.➤ Bed strength of ESI Hospitals is proposed to be increased by 50%.➤ Proposed amendment in M B Act: Maternity Leave from existing 12 weeks to 26 weeks, concept of Work from Home for pregnant women, provisions for crèche facility etc.
05.	Minimum wages of not less than Rs.15,000/- per month with provisions of indexation.	<ul style="list-style-type: none">➤ Government is seriously considering amendment in the Act to give minimum wages to all workers.➤ Major proposed amendment in the Minimum Wages Act, 1948 are as follows:<ul style="list-style-type: none">• Minimum wages for unskilled, semi-skilled and skilled labours to be prescribed by Central Govt. for three different categories of states on the basis of formula given by ILC and Supreme Court Judgement.• Minimum wages will be applicable to all employments.• Definition of "Appropriate Government" to be amended in accordance with Section 2 of the Industrial Dispute Act, 1947.• The State Government to fix/review/revise the minimum rates of wages payable to employees employed in any employment



		<ul style="list-style-type: none">• The State Government, by notification to specify factors by which the minimum wages so fixed be multiplied for different categories of work taking into account the skills required, the arduousness of the work assigned to the worker, the cost of living of the worker, geographical location of the place of work and other factors which the State Government considers appropriate.• Enhancement of penalty to make the implementation of the Act more effective.• The Central Government, by notification to make National Minimum Wage/Wages, which may be different for different States or geographical areas. Thereafter, the minimum rates of wages fixed by the State Government shall not be less than the 'national minimum wage'. If the minimum rates of wages fixed by the State Government earlier are more than the 'national minimum wage', then the State Government shall not reduce such minimum rate of wage fixed by it earlier.
06.	Assured enhanced pension and not less than Rs.3,000/- per month for the entire working population	<p>Government has already notified minimum member pension of Rs.1000/- per month for EPS pensioners on perpetual basis with effect from 01.09.2014.</p> <p>Government is providing additional budget to support the increase in minimum pension to Rs. 1000/- per month.</p> <p>Atal Pension Yojana – for those not covered in formal pension scheme (Min. Pension – Rs.1000, Max. – Rs. 5000)</p> <p>EPFO has proposed for pension of Rs. 3000/- per month.</p>
07.	Stoppage of disinvestment in Central / State PSUs.	<ul style="list-style-type: none">➤ Disinvestment as per the Disinvestment Policy➤ Mandatory 25% public shareholding in listed profitable CPSEs➤ Disinvestment proceeds are used for Social sector schemes➤ Disinvestment brings in efficiency and infusion of new capital.

08.	Stoppage of contractorisation in permanent perennial work and payment of same wage and benefits for contract	<ul style="list-style-type: none"> ➤ Cabinet Note being prepared for a new Contract Labour Act.
	workers as regular workers for same and similar work.	
9.	Removal of all ceilings on payment and eligibility of bonus, provident fund, increase the quantum of gratuity.	<ul style="list-style-type: none"> • The Payment of Bonus (Amendment) Bill, 2015 has been passed by both Houses of the Parliament during Winter Session and notified on 01.01.2016. The Act enhances wages eligibility limit from the present level of Rs.10,000 to Rs.21,000/- and Bonus calculation ceiling as Rs.3500/- to Rs.7,000/-. Also, the calculation ceiling cannot be less than the minimum wage notified by the Government for that category of employment. • The date of implementation is w.e.f. 01.04.2014. • Quantum of gratuity is linked to the quantum of gratuity to Govt. employees which is decided based on the recommendations of Pay Commission.
10.	Compulsory Registration of Trade Unions within a period of 45 days from the date of submitting application and immediate Ratification of ILO Conventions No. C 87 and C 98.	<ul style="list-style-type: none"> ➤ 18 States / UTs – already fixed time limit for registration (15 days to 4 months) ➤ In Draft Labour Code on Industrial Relations, the following is proposed: <ul style="list-style-type: none"> • Time limit for Registration - 60 Days • Provision of Deemed Registration
11.	Unfortunate unilateral steps initiated to amend several vital Labour Laws hurriedly by the present Government of Rajasthan. CTUs are seriously	<ul style="list-style-type: none"> ➤ Govt. is committed to the tripartite consultation. ➤ Changes in Labour Laws are being made after detailed discussions with all stake holders - State Governments, Employers' & Employees' Organizations in tripartite consultations.



	concerned at the sudden hurried steps taken by the Union Labour Ministry to push through major amendments to	<ul style="list-style-type: none">➤ Views of Labour Unions given due weightage➤ The amendment proposals are also placed on the Website for Public comments.➤ Regional Labour Conferences held under chairmanship of Hon'ble Labour Minister for consultations with states.
	number of principal Labour Statutes affecting workers.	<ul style="list-style-type: none">➤ No hurried step. All action taken after due consideration / examination and in the interest of the nation.
12.	Scrapping of FDI in strategic sectors like Railways, Defence etc.	<ul style="list-style-type: none">➤ FDI only in Railway Infrastructure is necessary for upgrading the infrastructure.➤ No FDI is in the Operation of Railway.➤ FDI in Defence upto 49% to substitute import with domestic production with three objectives of (i) saving foreign exchange; (ii) creation of jobs and (iii) to ensure we are not dependent on outsiders for the security of nation.

Additional Information :-



For Sl.No 1-

From Ministry of Agriculture

'Pradhan Mantri Fasal Bima Yojana'

A new crop insurance scheme 'Pradhan Mantri Fasal Bima Yojana' has been launched by the Government. Under this scheme, the premium rates to be paid by farmers are very low - 2 % of sum insured for all Kharif crops, 1.5% for all Rabi crops and 5 % for commercial and horticulture crops. The new insurance scheme involves use of simple and smart technology through phones & remote sensing for quick estimation and early settlement of claims. The Government has also launched crop insurance portal and Mobile app "Crop Insurance" which will help farmers to find out complete details about insurance cover available in their area and to calculate the insurance premium for notified crops. During kharif 2016-17 season, 24 states have already initiated necessary action for implementation in their state. Out of which, 15 states have already completed the bidding tendering process for selection of insurance companies.

For Sl.No.10 –

From IR(PL), MoLE

One more State has fixed time limit for registration of Trade Unions and the Total No. of States/UTs become 19

The defaulting States/Uts have been reminded by the Secretary L&E vide D.O. letter 21st May, 2015 at the Labour Law Chief Secretaries to expedite the information.

For Sl.No.11-

Industrial Tripartite Consultation

Labour Reform Cell has conducted 06 ITC in respect of Labour Laws Reform.

Social Security Section has conducted 01 ITC in connection with ESI (Amendment) Act.