

**FOURTEENTH KERALA LEGISLATIVE ASSEMBLY**

**COMMITTEE  
ON  
PUBLIC ACCOUNTS  
(2016-2019)**

**FIFTH REPORT  
(Presented on 8th March, 2017)**



**SECRETARIAT OF THE KERALA LEGISLATURE  
THIRUVANANTHAPURAM**

**2017**

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**FIFTH REPORT**

**on**

**Action Taken by Government on the recommendations  
contained in the 101st Report of the Committee on  
Public Accounts (1998-2000)**

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(2016-2019)

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## INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Fifth Report on Action Taken by Government on the Recommendations contained in the 101st Report of Committee on Public Accounts (1998-2000).

The Committee considered and finalised this Report at the meeting held on 8th February 2017.

Thiruvananthapuram,  
8th March, 2017.

V. D. SATHEESAN,  
*Chairman,*  
*Committee on Public Accounts.*

## **REPORT**

This Report deals with the Action Taken by Government on the recommendations contained in the 101st Report of Public Accounts Committee (1998-2000).

The 101st Report of the Committee on Public Accounts (1998-2000) was presented to the House on 18th December, 2000. The Report contained eleven recommendations relating to Labour and Rehabilitation Department. Government was addressed on 2nd February, 2001 to furnish the statements of Action Taken on the recommendations contained in the Report and the final replies were received on 19th June, 2015.

The Committee examined the Statements of Action Taken at its meetings held on 15-2-2012 and 23-9-2015.

The Committee was not satisfied with the Action Taken by the Government on the recommendations contained in Para No. 33, 36 and 37 and decided to pursue the same further. Such recommendations, Government replies and further recommendations of the Committee are incorporated in Chapter I of this Report.

The Committee decided not to pursue further action on the remaining recommendations in the light of the replies furnished by the Government. Such recommendations and the Statements of Action Taken by Government are incorporated in Chapter II of this Report.

## CHAPTER I

**RECOMMENDATION IN RESPECT OF WHICH ACTION TAKEN BY  
GOVERNMENT ARE NOT SATISFACTORY AND WHICH  
REQUIRES REITERATION****LABOUR AND REHABILITATION DEPARTMENT****Recommendation**

*(Sl.No.4, Para No.33)*

1.1 The shortfall in inspection of factories was attributed by the Department to the dearth of inspecting staff. The Committee would have agreed with this version had the available staff achieved the target of inspections as per norms at least during the period covered in Audit-ie, from 1991 to 1996. Since the available staff failed to achieve the target set forth for them, the Committee is constrained to treat the narration of the Department as a 'lame excuse'. The Committee wonder how they can achieve the requisite quality and standard in mandatory inspections in the absence of regular inspections and without maintaining calendar of inspections. The Committee consider the present mode of inspection as ineffective and worthless on the ground that any of the defects which lead to fatal accidents could neither be detected by the Inspectors well in advance nor could be pointed out to the occupiers for rectification prior to the mishaps. The Committee opine that lapses in detecting defects by the Inspectors which resulted in accidents should be viewed seriously by the Department and stringent action should be taken against them.

**Action Taken**

1.2 Based on the specific recommendation of PAC the Factories and Boilers Department have already issued strict direction to the officers for completing the specific number of inspections shown in their calendar of inspections and it is submitted that the Controlling Officers are monitoring its compliance while reviewing the work diary of inspectors.

Accidents are caused by unsafe acts on the part of the workers and unsafe conditions in the plants at the time of accidents. It may not be possible always to detect and point out the defects which leads to an accident in advance, particularly in the case of factories where hazardous chemicals are handled. The Inspectors are giving instructions to the managements to ensure the health and safety of workers and are taking follow up action in this regard so that a good number of accidents are prevented. As per the 1987 amendments made in the Act, in the back drop of Bhopal Gas tragedy, it is the absolute responsibility of the occupier of the factory to ensure the health and safety of workers at the work place.

#### **Additional Recommendation**

1.3 The Committee directed the Department to inform the reasons for the failure on the part of the inspecting staff to achieve the target of inspections as stipulated in the norms.

#### **Action Taken**

1.4 The shortfall in inspection of factories is due to various reasons. One of the main reasons is that Inspector of Factories and Boilers have to attend different meeting such as National Savings Scheme, District Advisory Committee Meeting, District Development Committee, State Board of Single Window Clearance and District Crisis Group. They have to attend their office work and court duties as well. Moreover, none of the inspecting officers of this department are not provided with Government vehicles for their conveyance which decreases their ability to cover large number of factories spread over the division. This Department has issued strict direction to the inspectors to achieve the target of inspection as stipulated in the norms.

#### **Further Recommendation**

1.5 Since the inspecting officers are not provided with adequate government vehicles, the Committee recommends that adequate vehicles should be made available for the Inspection Wing.



### **Recommendation**

*(Sl.No. 7, Para No. 36)*

1.6 The Committee believe that the safety of a worker is extremely important in determining the survival of the worker in the labour market. As such, periodic and systematic medical examination to ensure his health and keep him fit should be monitored by the Department as contemplated in the Factory rules. The Committee found that though the Civil Surgeons in Taluk Hospitals were assigned with this duty as certifying Surgeons in their respective Taluks they seldom perform their duties as contemplated in the provisions of the Factories Act, 1948. The Committee therefore desired to know the remedial measures if any, formulated by the Department in ensuring regular and periodical medical examination of the workers.

### **Action Taken**

1.7 Action has been taken to fill the vacant posts of Medical Officers through P.S.C. so as to facilitate regular and periodic medical examination and to achieve the target. The Medical Officer in the Department is conducting periodic medical examination of the workers. The Inspectors of Factories and Boilers are also given instruction to see to it that the managements take prompt action, for arranging medical examination of their workers, at periodical intervals, as required under the Rules.

### **Additional Recommendation**

1.8 The Committee directed the department to supply an annual statements of medical examination conducted during the last five years incorporating the number of vacant posts of Medical Officers in the departments.

### **Action Taken**

1.9 The Department of Factories and Boilers has one sanctioned post of Joint Director of Factories and Boilers (Medical) and four posts of Medical Officers. Eventhough it was repeatedly notified to P.S.C. and other Government recruiting agencies, majority of the posts for Medical Officers remain vacant.

As of now, the Department has one post of Joint Director of Factories and Boilers (Medical) manned from 1-3-2014 by Dr. Ruben. C. Cyril, on deputation from the department of Kerala Health Services, and another post of Medical Officer at the Office of Joint Director of Factories and Boilers, Kozhikode by Dr. K. Suneesh Kumar who joined office through P.S.C. since 2-11-2009.

Three posts for Medical Officers, one each at Thiruvananthapuram, Kollam and Ernakulam still remaining vacant.

Year	NUMBER OF WORKERS SUBJECTED TO MEDICAL EXAMINATION AT EACH LOCATION		
	Industrial Hygiene Thiruvananthapuram	Laboratory,	Joint Director of Factories and Boilers, Kozhikode
2009	193		(Medical Officer Joined in November 2009)
2010	141		35
2011	127		45
2012	117		90
2013	Joint Director (Medical) retired on 31-3-2013 and the post remained vacant till March, 2014		55
2014	104		273
	From March, 2014 to July, 2014		From March, 2014 to July, 2014

### Further Recommendation

1.10 The Committee notices that majority of the posts of medical officers are remaining vacant and directs that vacancies of medical officers should be filled according to the need of the Department.

### **Recommendation**

*(Sl.No. 8, Para No. 37)*

1.11 The Committee were amazed at the finding that no instances of occupational diseases among the workers had been reported to the ESI Medical Officer so far. The Committee believe that it is because of the fact that the department is totally unaware of the occupational diseases prevalent among the factory workers. The failure to put to use equipments worth ₹ 4.41 lakh bought for diagnosing occupational diseases among the workers also adversely affected this process. The Committee deplore the laxity on the part of the department in implementing the health scheme by securing better liason with other departments and urge that action taken to streamline the existing system should be informed to the Committee. The Committee also desire that the action should be taken to conduct detailed health survey among the workers who are working in hazardous location for more than five years and ascertain whether the huge death rate prevalent among them was due to occupational diseases.

### **Action Taken**

1.12 It is informed that the Department of Factories and Boilers is in the process of establishing three "Occupational Health Centres"(OHCs) at Thiruvananthapuram, Ernakulam and Kozhikode exclusively to cater to the needs of safety and health aspects of industrial workers. This was based on the Occupational Health Survey conducted by the Factories and Boilers Department. The institute, when established, plans to do a lot of activities in the fields of Occupational Safety and Health. The observations /recommendations made in this para are being taken into account for framing plans and schemes of the Occupational Health Centre (OHC). The Occupational Health Centre will be established by the year 2010-2011.

The reason for the delay in conducting the health survey was the fact that the newly appointed Medical Officers were leaving the Department for better prospects. However, it is by utilizing the service of the Medical Officers appointed through Employment Exchange, the health survey was conducted among the

workers in coir factories of Alappuzha District. Now the Factories and Boilers Department is working together with the ESI Department to detect occupational diseases.

Factories and Boilers Department is also taking effective steps for the detection and prevention of occupational diseases by the Medical Officers recruited through Public Service Commission. They are conducting periodical Medical Examination of workers and monitoring the Health Hazard.

#### **Additional Recommendation**

1.13 The Committee directed the department to furnish details regarding the rate of occupational diseases as per the findings of Occupational Health Survey.

#### **Action Taken**

1.14 Silicosis Survey was initiated by the Department of Factories and Boilers in November 2012 by Dr. P. Sivasankara Pillai, the then Joint Director of Factories and Boilers (Medical). The Survey consisted of two parts: 1. A Questionnaire Survey and 2. Detailed Survey on Silicosis.

The Questionnaire Survey reports from various stone crusher units initiated in November 2012. Accordingly the reports were collected by the Inspectors of Factories and Boilers and were consolidated by the regional Joint Directors of Factories and Boilers. The consolidated report of the surveys received is enclosed herewith.

According to the Questionnaire Survey reports, none of the persons subjected to the survey had Respiratory Silicosis. As per the survey reports 25 out of the 200 i.e. 12.5% of the factory workers had some symptoms of respiratory diseases. In this survey, the workers were randomly selected by the factory management and thus healthy workers in the factories might have been selected. This survey was a vague one where clinical laboratory investigations were not done. Hence a modified actual Clinical survey has to be conducted including all the factory workers in stone crusher units across the State, since the latency period of the silicosis among the workers is 10 to 15 years.

Based on the above observations it is planned to conduct a detailed Clinical Survey on silicosis during the Financial Year 2015-2016. Details of survey are enclosed as Annexure I.

### **Further Recommendation**

1.15 The Committee expresses its extreme displeasure on the unprofessional manner adopted for fixing vague standards for the Silicosis survey. The Committee observes that the survey was conducted using vague questionnaire and without proper random sampling of respondents. The Committee directs that the survey should be professional and correct methodology should be adopted.

## **CHAPTER II**

### **RECOMMENDATIONS WHICH THE COMMITTEE DOES NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES FURNISHED BY GOVERNMENT**

Labour and Rehabilitation Department

#### **Recommendation**

*(Sl. No. 1, Para No. 30)*

2.1 The Committee notice that the Factories Act, 1948, introduced a sudden and vast change in all the spheres/activities pertaining to factories such as registration, licensing, welfare and safety of workers, working conditions etc. As per the provisions of the Factories Act, 1948 and the Indian Boilers Act, 1923 and all other related enactments made up to this day, the Department of Factories and Boilers is liable to enforce strict measures for registration, licensing, renewal, inspection of Factories and Boilers, medical examination of workers, investigation of complaints and accidents and launching of prosecutions etc. But the examination of audit paragraph revealed that the Department failed to carry out these responsibilities in an effective manner and hence shows a dismal picture with regard to overall performance.

### **Action taken**

2.2 The Department of Factories and Boilers is enforcing Nineteen Acts/Rules (Both Central and State). The Inspectors on an average has to inspect more than 300 registered units in his division and this causes some lapses as noted by the Committee. Government viewed it in due seriousness and a work study was conducted and based on the report 5 new posts of Inspectors were created for dividing the existing factory divisions. Computerisation of the Department of Factories and Boilers is at a final stage which will help the inspectors in registration, licensing, renewal of licenses and inspection of Factories and Boilers. Senior Officers of the Department are attending the various trainings conducted by Government of India and different agencies. A Chemical Emergency Response Centre is being established in Ernakulam in order to have a check on chemical accidents in factories. Occupational Health and Research Centres will be established at Kollam, Ernakulam and Kozhikode soon. Due to these measures taken the overall performance of the Factories and Boilers Department has showed improvement.

### **Additional Recommendation**

2.3 The Committee directs the Department to furnish additional information regarding the present status of computerisation of the Department and the details regarding the functioning of the Chemical Energy Response Centre and Occupational Health and Research Centre.

### **Action taken**

2.4 All the offices coming under the administrative control of Factories and Boilers department are now fully computerised. Introduction of online systems in the department has also succeeded. All preparations have been done for linking the department software with e-treasury software of the Government. From October 2014 onwards all the receipt and payments can be done with the new software.

Regarding CHEMREC, Government have accorded sanction for temporary appointment of staff. In the meantime department submitted a proposal before Ministry of Environment, Forest and Climate change for running the Centre with an estimated amount of 5.48 crore. In addition to this, a chemical emergency

handling society has been constituted under the chairmanship of District Collector, Ernakulam and Joint Director of Factories and Boilers as Member-Secretary along with representatives of Industrial establishment. Joint Director of Factories and Boilers, Ernakulam is the controller of day to day activities of CHEMREC. It is the duty of the Joint Director to co-ordinate and initiate regular steps to control and mitigate the effect of chemical accidents.

Construction work of Occupational Health and Research Centre have been completed and will be inaugurated soon by the Honourable Minister.

### **Recommendation**

*(Sl. No. 2, Para No. 31)*

2.5 The Committee observe that there is a tendency among the factory owners/firms to work without securing registration and its timely renewal. Owing to this a large number of units continue to remain outside the purview of these Acts and Rules. In order to curb such tendencies the Committee urged that no factories should be provided with power and water connection and licences from the Industries/Local bodies unless it gets registered under Factories Act, 1948. The Committee also stressed the need for more Co-ordination between the Labour and Rehabilitation Department with Industries Department and Local Bodies and various other agencies of Government to ensure that all factories which come under Section 2 (m) and 85 of the Factories Act had been registered with the Department invariably.

### **Action taken**

2.6 The Officers of the Directorate of Factories and Boilers Department are contacting the local bodies and Industries Department to gather the list of newly established units. Also the District Officers of Factories and Boilers Department are members of Single Window/Green Channel Committees and all new factories coming for clearance before these committees are got registered under Factories Act. As per strict directions from the Factories and Boilers Directorate, all Inspectors are taking necessary steps to ensure that the newly started units get registered.

The number of units got registered during the last five years is given below:

Year	No. of factories newly registered
2003	460
2004	484
2005	596
2006	1152
2007s	1074

### **Recommendation**

*(Sl. No. 3, Para No. 32)*

2.7 The Committee should be informed of the decision taken by Government on the Report submitted by Shri. E.K. Bharat Bhushan, IAS on the diamond cutting and polishing factories and desire to know the final outcome of the issue. The Committee also desire to know whether all the coir units have been registered at present. The Committee found that due to the failure of the Department in issuing licenses on actual date of commencement of functioning several units including certain Public Undertakings such as K.S.R.T.C. Sub depots of Karunagappally and Palode and the Laboratory at Chitranjali Studio, Thiruvallam etc. happened to function without licenses for periods ranging from six to nine years. The Committee considered this as a serious lapse on the part of Department and want to know why no penal action had been taken against the defaulted units.

### **Action taken**

2.8 It is submitted that the Bharat Bhushan Committee was constituted by Industries Department vide G.O.(Rt.) 538/93/ID dated, 21-5-1993 and follow up action on the Committee Report are related to that Department. There were 461 registered Coir units in this State as on 1-7-1998. It is reported that all the coir units which attract the provisions of the Factories Act and Rules, have since been registered and licensed under the Act.



It is also reported that all the three public sector units viz. K.S.R.T.C. Sub Depots at Karunagappally and Palode, and Chithranjali Studio, have since been registered and licensed under the Act.

The Factories and Boilers Department has taken necessary administrative measures and toned up enforcement machinery to see to it that licences are issued to industrial units well before the date of functioning if the application is filed in advance with the support of documents. Directions have also been issued to all the inspectors to take stringent action against the managements, including Public Sector Undertakings, who show any laxity in getting their units registered and licensed under the Factories Act and Rules before they start functioning.

### **Recommendation**

*(Sl. No. 5, Para No. 34)*

2.9 The Committee were shocked the death of six employees by accidents in Cochin Shipyard within a span of five months. The contention of the Director that "those killed were contract labourers again brought to light a strange fact that the Department was not giving equal importance to the life of a contract labourer to that of a permanent employee. The Committee in this context would like to draw the attention of the department to section 2(i) of the Factories Act, 1948 under which worker" means a person employed directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer in any manufacturing process.

### **Action Taken**

2.10 As contemplated under the Factories Act 1948 all workers employed in a factory whether they are on regular or contract basis, are equally treated by the department, particularly in matters relating to their health and safety. It is also reported that due to persistent efforts made by the department in this regard many industrial units are conducting training programmes, both pre-employment as well as on the job for all types/categories of workers (to be employed by them including by or through a contractor) on account of which not only rate of accident has come down, but has also created a general awareness on safety among all workers.

### **Recommendation**

*(Sl. No. 6, Para No. 35)*

2.11 Further under section 88(1) to (3) of the Factories Act, 1948, whenever an accident causing death occurs, the authorities are obliged to conduct an enquiry into the incident within one month from the date of intimation relating to the mishap. As such, the Committee believe that lapses in fixing responsibility for the sad death of six labourers and thereby denying claims to their dependants are clear violation of the provisions of Factories Act, 1948. The Committee urge that immediate action should be taken to settle the claims and those responsible for the inordinate delay should be punished. The Committee also recommend to ensure all reasonable measures for safety and health of contract workers and to end the discrimination between those who are employed on permanent and on contract basis.

### **Action Taken**

2.12 All fatal accidents are invariably investigated by the Inspectors and follow up action including legal action, taken wherever required. It is submitted that the settlement of claims to the dependants does not come within the purview of Factories and Boilers department. There is no discrimination between permanent and contract workers as far as the enforcement of safety and health provisions of the Factories Act is concerned and the department insist upon the management to extend all facilities to both their regular and contract workers, to provide and maintain plant, machinery etc., in a safe manner and follow "safe work practices", so that the safety and health of all the workers are ensured. The Inspectors also strictly insist in issuing Personal Protective Equipments, other safety gadgets etc., to the contract casual workers, to follow work permit system and also to have induction training for these workers before they are actually put on the job. Moreover the Department officers make regular inspection and also conduct safety awareness programmes for the benefit of all types of workers. The safety officers or in other cases the safety department are given instruction to ensure their

involvement in any type of hazardous/dangerous work, so that adequate safety measures are taken in executing the work, and the safety of worker is given prime importance.

The settlement of claims to the dependants comes under the Workmen's compensation Act, 1923 under the jurisdiction of Labour Commissioner. The employees in the Cochin Shipyard Ltd. are usually covered under Employees State Insurance Act, 1948 and in such cases settlement of compensation is done by the ESI Corporation under the ESI Act.

The Regional Director, ESI Corporation, Thrissur has verified the records and furnished the details of benefits paid to the dependents of the six employees who died in the accident at Cochin Shipyard Ltd, as follows:

Sl. No.	Name of Employee	Ins. No.	Date of			Remarks
			Accident	Death	Benefit paid from	
1	M. G. Joseph	1828922	26-7-1994	26-7-1994	27-7-1994	Dependants Benefit under ESI Act paid from ESIC Branch Office
2	P. K. Suresh	1953857	1-10-1994	1-10-1994	2-10-1994	
3	Jose Thomas	1955178	10-12-1994	14-12-1994	15-12-1994	
4	K. N. Sudheesan	1871947	10-12-1994	10-12-1994	11-12-1994	
5	B. A. Joseph	..	8-10-1994	8-10-1994	Benefits under Workmen's Compensation Act 1923 paid	
6	Peter Xavier	..	3-11-1994	3-11-1994		

The Regional Director, ESI Corporation has also informed that the first four persons were contract employees covered under ESI Act and the last two employees are not covered under the ESI Act and hence they were given compensation under the Workmen's Compensation Act by the employer.

### **Recommendation**

*(Sl. No. 9, Para No. 38)*

2.13 The Committee observes that due to lack of follow up action on inspection Reports, the defects pointed out in earlier inspections persisted even at the time of subsequent inspections. The Department failed to take any measures to ensure that the defective units were taking action to rectify the flaws in their functioning. The Committee recommend that if no corrective action is taken by the units, their licenses/registration etc. should not be renewed.

### **Action Taken**

2.14 Necessary instruction have been issued to all Inspectors to ensure that the violations noticed and pointed out at the time of inspection are got rectified within the time limit allowed, and to take legal action against those management who show reluctance to rectify the violations. At present there is no provision in the Factories Act and Rules to refuse the renewal of application submitted by the management of the factory due to the non compliance of orders issued by the inspectors.

### **Further Recommendation**

2.15 The Committee recommends to make necessary amendments in the Factories Act and Rules by incorporating provisions to refuse the application for the renewal of licenses/registration submitted by the Factory managements who show reluctance to rectify the violations pointed out by the inspectors.

### **Action Taken**

2.16 Based on the observations of the Public Accounts Committee, the matter was taken up with working Group for amendment of Factories Act and Model Factory Rules constituted by the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI), Ministry of Labour, Government of India. Accordingly action is being taken by the Ministry of Labour to place the draft amendment before the Parliament, after detailed deliberation and discussions

at various levels including the Chief Inspectors Conference. Amendment of the provisions of the Kerala Factory Rules can be placed before the Assembly after obtaining the approved copy of Model Rules prepared by the working group of the Directorate General, Factory Advice Service and Labour Institutes, Ministry of Labour, Government of India.

### **Recommendation**

*(Sl. No. 10, Para No.39)*

2.17 The Committee are amazed at the finding that in spite of its specific recommendations in the 16th Report (1987-1989) and 109th Report (1993-1995) non-technical personnel are still assigned with the work of inspection of factories even at present. The Committee consider this as grave mistake and disregard to its status and hence firmly assert to dispense with this action, in view of the risk involved in entrusting job of technical nature to non-technical personnel. The Committee reiterate that only technically qualified persons should be appointed as Inspectors in the Department.

### **Action Taken**

2.18 Government issued order vide G.O.(Rt.)No.1687/2002/LBR dated 19-6-2002 denotifying the Non-technical Officers – Additional Inspectors of Factories—from making any inspection of factories. The problems that arose subsequent to this decision discussed at the level of the Minister for Labour and an expert committee was constituted for enlisting the Non-hazardous factories and hazardous factories from the Common list and based on its report Government issued a notification entrusting the Additional Inspector of Factories with the inspection of only non-hazardous factories which do not require any technical qualification. They have to undergo an inservice training for three months under the Technical Officers of the Department. The Department also conducts short term training by the experts from Regional Labour Institute, Chennai and Cochin University of Science and Technology.

**Recommendation**

*(Sl. No. 11, Para No. 40)*

2.19 The Committee recommends that the department should impart necessary training to the staff in the area of their operation with a view to make them aware of the advanced technological developments taking place in the society and the world at large.

**Action Taken**

2.20 At present the Inspector of Factories and Boilers Department are being deputed to various training programmes conducted exclusively for Factory Inspectors by Central Labour Institute and other agencies.

Thiruvananthapuram,  
8th March, 2017.

V. D. SATHEESAN,  
*Chairman,*  
*Committee on Public Accounts.*

## APPENDIX

## Annexure-I

## SUMMARY OF MAIN CONCLUSION/RECOMMENDATION

Sl. No.	Para No.	Department concerned	Conclusions/Recommendations
1	1.5	Labour and Rehabilitation Department	Since the inspecting officers are not provided with adequate government vehicles, the Committee recommends that adequate vehicles should be made available for the Inspection Wing.
2	1.10	„	The Committee notices that majority of the posts of medical officers are remaining vacant and directs that vacancies of medical officers should be filled according to the need of the Department.
3	1.15	„	The Committee expresses its extreme displeasure on the unprofessional manner adopted for fixing vague standards for the Silicosis survey. The Committee observes that the survey was conducted using vague questionnaire and without proper random sampling of respondents. The Committee directs that the survey should be professional and correct methodology should be adopted.

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