

Chapter-2

ORGANISATIONAL STRUCTURE & FUNCTIONS

LABOUR JURISDICTION

2.1 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. (**Box 2.1**)

Box 2.1	
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 institutions for “vocational... training...”	Entry No.24 – Welfare of labour including conditions of work, provident funds, employers’ liability, workmen’s compensation, invalidity and old age pensions and maternity benefit

PERSONNEL

2.2 Shri K. Chandrasekhar Rao assumed the charge as Hon’ble Labour and Employment Minister on 27.11.2004. Shri Chandra Shekhar Sahu assumed the charge as Minister of State for Labour and Employment on 29.01.2006. Shri K.M.Sahni, IAS (AGMU:69) continued to hold the charge of the post of Secretary (L&E). Shri J.P.Singh, IAS (RJ:72) has taken over the charge of the post of Additional Secretary (L&E) on 22.02.2005(AN). Shri H.N.Gupta, IES (1970) has taken over the charge of the post of Labour & Employment Adviser on 28.02.2005 in the rank of Additional Secretary. Shri Manohar Lal, IAS (RJ-77) continued to hold the post of Director General, Labour Welfare. Shri K. Chandramouli, IAS (UP-75) and Shri J.P. Pati, CSS continued to hold the charge of the post of Joint Secretaries in the Ministry. Shri K.K. Mittal IAS (AM:83) continued to hold the charge of the post of Director General (Employment and Training). Shri S.K. Mukhopadhyay,

Central Labour Service continued to hold charge of the post of Chief Labour Commissioner (Central). Dr. Ashok Sahu IES (1975) has taken over the charge of the post of Economic Adviser on 08.11.2005 in the rank and scale of Joint Secretary.

2.3 The Government of India (Allocation of Business) Rules, 1961 have been amended vide Notification No. Doc.CD-492/2004 dated the 15th December, 2004 transferring the subject “All Emigration under the Emigration Act,1983 (31 of 1983) from India to Overseas Countries and the return of the Emigrants” from the Ministry of Labour and Employment to the Ministry of Overseas Indian Affairs (MOIA). Consequently, all the posts created & functioning for the aforesaid purpose in the Ministry of Labour and Employment have been transferred to MOIA with effect from 10.02.2005. The then incumbents to such transferred posts were transferred to

MOIA on loan basis. Shri D.S.Poonia, IAS (MT:78), the then JS/PGE in this Ministry was accordingly posted with OIA with effect from 10th February, 2005 .

STRUCTURE AND FORMATION

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

ATTACHED OFFICES

Directorate General of Employment & Training (DGE&T)

2.5 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)]

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

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

2.7 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 thereunder. 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

2.8 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)

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

Welfare Commissioners

2.10 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, Bhilwara, Bhubaneswar, Kolkata, Hyderabad, Jabalpur, Karma (Jharkhand) and Nagpur.

AUTONOMOUS ORGANISATIONS

Employees' State Insurance Corporation (ESIC)

2.11 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)

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

V.V. Giri National Labour Institute (VVGNI)

2.13 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)

2.14 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 bringing about consciousness among workers about their rights, duties and responsibilities. The Board also undertakes programme for rural workers' education and functional adult education.

ADJUDICATING BODIES

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

2.15 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)

2.16 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. So far, the Board has given 257 Awards out of 259 references referred to them.

Main Subjects dealt in the Ministry of Labour and Employment

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

2.18 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)

2.19 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 Labor Service (CLS) was notified as an organized service in 2004.

2.20. 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.

2.21 During the period from 01.04.2005 to 30.09.2005 these officers handled 23305 grievances out of which 22808 were settled. They played an important role in preventing these grievances from turning to industrial disputes.

2.22 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

2.23 With a view to bringing about administrative reforms, determining the staffing patterns and designing suitable organizational structure and methods of work, the Internal Work Study Unit (IWSU) has been conducting Work Measurement Studies, Method Studies, Records Management Studies and Organisation & Methods (O&M) Inspections of various offices/ Sections in the Ministry of Labour & Employment. At the beginning of the financial year, an Annual Action Plan is prepared in consultation with various Offices/Sections, including Attached and Subordinate Offices, requiring any rearrangement in staffing patterns, organizational structure etc. Apart from this, in order to bring

about improvement in day to day functioning, regular O&M inspections of the Sections/ Desks/ Units in the Ministry and the Field Units are conducted by the IWSU. Orientation sessions are also held during these inspections to brush up the knowledge of field staff on O&M matters especially in areas of weakness like Records Management, File Management and Maintenance of Service Books as also monitoring and expeditious liquidation of Court Cases and Audit Paras. The Internal Work Study Unit (IWSU) functions under the Financial Adviser(L&E) and works through the Controller of Accounts, Senior Analyst and Junior Analysts.

2.24 During the year 2004-2005, apart from O&M Inspections of the various Sections/Desks/Units of the Ministry, Internal Work Study Unit has carried out O&M Inspections of seven Field Units coming under the purview of the Ministry of Labour and Employment. Work Measurement Study of the office of ALC, Andaman & Nicobar Administration has also been carried out . In the current financial year 2005-2006, up to December, 2005 , the team of IWSU has inspected ten field units.

O & M MEETINGS

2.25 Another important activity carried out by the Internal Work Study Unit is the O&M Meeting held every quarter under the chairmanship of the Secretary (L&E). The meeting is taken by the Secretary (L&E) to review and obviate the pendency in the Ministry relating to references received from Prime Minister's Office /Cabinet Secretariat/President's Secretariat including MP / VIP references; Parliamentary Matters including Lok Sabha/ Rajya Sabha Assurances; Court Cases, Audit Paras etc. All the Officers above the level of Desk Officers attend the meeting. The O&M meeting is an opportunity for the Secretary (L&E) to

take stock of the pending cases in the Ministry as a whole and discuss them across the table with all the concerned.

2.26 Additional Secretary (L&E) chaired the O&M Meeting held on 26.07.2005. Implementation of 'Scheme of Cash Award on O&M activities for Best Organised Section' and the 'Annual Competition to test the overall knowledge of Manual of Office Procedure (MOP)' in various organisations of the Ministry was discussed in the meeting. These two Schemes are being implemented by the IWSU in the Ministry of Labour & Employment. Details of these Schemes are given in the subsequent paras.

2.27. Action on decisions taken in the previous O&M Meeting particularly regarding disposal of VIP references, PMO references and Audit Paras, were also discussed in the above O&M meeting. The Chairman desired that each decision should be reviewed by the concerned Wing Head and position be submitted to Secretary without waiting for next meeting.

2.28 On pending PMO/Cabinet references in EPFO, the chairman directed that EPFO should create a cell to deal with such type of cases. This cell would provide services and should monitor the disposal and also nominate some officer to review receipts and disposal on fortnightly basis.

2.29 Necessity of overall focused attention on expeditious disposal of pending MP/VIP/PMO references, court cases, audit paras, Lok Sabha/ Rajya Sabha assurances in the Ministry, were also impressed upon in the above O&M Meeting held on 26.07.2005. The importance of Record Management was highlighted in Meeting. The Senior Analyst informed that special Drives for Recording/Reviewing/Weeding Out are carried out by IWSU twice every year. The Chairman impressed upon that another Special Drive may be carried out.

2.30. Public Grievances, Citizen's Charter, Pending Pension Cases and Appointment on Compassionate Grounds were also discussed and Chairman desired that all such cases should be disposed of within a time schedule.

Record Management

2.31. To ensure proper maintenance of records, regular drives are held to focus on this important aspect. In the Ministry, 7356 files were recorded, 8549 files reviewed and 2791 files weeded out during last year. This is in addition to the drives held in the field units.

AWARDS

Best Section Award

2.32. The scheme for grant of cash awards to sections for showing high performance in O&M activities has been introduced in the Ministry from the year 2002-03. The Scheme envisages recognition of bright officials so that distinction can be made between workers & shirkers and the performers & non-performers. It is empathized that the officials who receive such awards would really inspire confidence among their fellow staff members for emulating their standards of work efficiency, productivity and work culture by creating enthusiasm in them.

On the basis of the evaluation done by the respective Wing Heads on parameters like Maintenance of Precedents Books, Guard Files, etc, Records Management, Promptness in disposal of MP/VIP/PMO references, Quality of Noting and referencing of files etc. and marks awarded by the Departmental Selection Committee, which is headed by the Joint Secretary (Admn.), on cleanliness, upkeep and general lay out etc., the Best Section, the First Runner up Section and the Second Runner Up Section for a particular year are declared.

2.33 The best organised Section/Desk/Unit/Cell is given Minister's Running Trophy along with Cash Awards and Commendation Certificates. The first and second runners up sections are also given Cash Awards and Commendation Certificates.

2.34 The details of Cash Award are given as below:

Designation	Best Organised Section	First Runner up	Second Runner up
DO/SO	Rs.1500/-	Rs.1000/-	Rs.750/-
Dealing Asstt.	Rs.1000/-	Rs 700/-	Rs.500/-
Clerk/ Typist	Rs.750/-	Rs 500/-	Rs.375/-
Group 'D'	Rs.500/-	Rs. 350/-	Rs.250/-

2.35 In addition, the Under Secretaries of the concerned sections are also given Commendation Certificates. To ensure greater participation in the coming years, the Deputy Secretaries/Directors have been directed to ensure that their Sections in the Ministry (Main Sectt.) participate in the award scheme.

2.36 The Internal Work Study Unit has been declared "Best Organised Section" for the year 2003-2004. Vigilance Section and the B&A Sections emerged as First runner up and Second runner up respectively for the year 2003-2004.

MANUAL OF OFFICE PROCEDURE (MOP)

AWARENESS COMPETITION

2.37 Annual Competition on Awareness of the procedure laid down in the Manual of Office Procedure, among Assistants, UDCs and LDCs of this Ministry (MS) is also held. The Scheme envisages award of commendation certificates and cash awards to the winners as per following details:

1 Assistant + 1 UDC @ Rs.500/- each (First)
1 Assistant + 1 UDC @ Rs.300/- each (Second)

1 Assistant+ 1 UDC @ Rs.200/- each (Third)

In the case of LDCs., first, second and third awards are Rs.300/-, Rs.200/- and Rs.100/- respectively.

The MOP Competition for the year 2004-2005 was organised on 18.02.2005. The winners of this competition are given at **Table-2.1**

CAREER MANAGEMENT AND TRAINING (CMT)

2.38 The main function of Career Management and Training (CMT) Unit is to organize training programmes on a decentralized basis for LDCs, UDCs and Stenographers etc. and nominating 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.

2.39 During the period from April, 2005 to November, 2005, **47** Officers and members of staff have been sponsored for various training programmes.

2.40 Steps have already been taken to train the Group 'D' staff of the Ministry with a view to improve their working skills and performance. This programme is unique in the sense that these staff members are generally not exposed to training or orientation programmes at any stage of their career. Two such programmes have been conducted during January-February, 2006.

FINANCE WING

2.41 Finance Wing is mainly responsible for scrutiny of all Plan Schemes 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 studies, internal audit etc

2.42 A 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 that 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;

2.43 During the year 2005-2006, all budget and accounts matters were attended to within the time schedule prescribed. By careful scrutiny of proposals, it was ensured that the expenditure conformed to budgetary appropriations, the rules and regulations prescribed by the Finance Ministry and that it was consistent with economy, efficiency and the objectives of the relevant schemes/programmes in connection with which it was being incurred. The guidelines with regard to fiscal prudence and austerity in Expenditure Management as prescribed by the Ministry of Finance, Department of Expenditure were also sought to be enforced and guidelines relating to effective cash management were also followed.

2.44 For the future, it is proposed to continue to see that an effective accounting system and internal controls are in place and also that a system of correct financial discipline, consistent with efficiency, economy and effectiveness, is maintained.

PROGRESSIVE USE OF HINDI

2.45. The Ministry of Labour and Employment has made several efforts to promote the use of Hindi in official work and create interest in officers/employees to work in Hindi during the year 2005-2006. Steps were taken to ensure compliance of the provisions of the Official Language Act/Rules and orders / instructions / guidelines issued by the Department of Official Language from time to time. Hindi Division of the Ministry of Labour

and Employment is entrusted with the task of implementation of the Official Language Policy of the Government of India and translation of important documents such as papers to be placed before the Parliament, Labour Laws , Hon'ble Labour & Employment Minister Speech, Press release etc. and the routine work of the Ministry.

2.46 This year, September, 2005 was observed as Hindi Month to promote the use of Hindi in the Ministry. On this occasion, nine Hindi related competitions were conducted to promote use of Hindi among the officials. A large number of Officials of the Ministry participated in these competitions .

2.47 The Hindi work is done on computer by the Hindi Division. One stenographers and three typists of the Hindi Section are working on the Computer. The Ministry is issuing computerized pay slips & GPF statements to officers and employees in Hindi only.

2.48 All documents under section 3(3) of the Official Language Act, 1963 were issued both in Hindi and English. The Ministry of Labour and Employment is making all efforts to ensure effective implementation of the Government's Official Language policy and is committed to fulfill this objective

2.49. The Department of Official Language (Ministry of Home Affairs) has awarded Rajbhasha Shield to the Ministry of Labour and Employment for excellent work in Hindi for the year 2004-2005.

Table -2.1**Details of Winners of the Manual of Office Procedure Competitions for the year 2004-2005.****CATEGORY: ASSISTANTS**

<u>S.No.</u>	<u>Name of the Winner (Section attached to)</u>	<u>Rank Obtained</u>	<u>Amount of the Prize (Rs.)</u>
1.	Sh. Dharmendra Kumar, Asstt. (WC)	First	Rs.500/-
2.	Sh. Mohd. Naseem, Asstt. (SS-II)	Second	Rs.300/-
3.	Sh. Kanti Bhai, Asstt. (Adm.II)	Third	Rs.200/-
4.	Sh. Pankaj Kumar, Asstt. (Adm.III)	Third	Rs.200/-

CATEGORY: U.D.C.

1.	Ms. Madhumita Ghosh, UDC (Coord.)	First	Rs.500/-
2.	Ms. Mariamma Mathew, UDC (Adm.II)	Second	Rs.300/-
3.	Sh. Sunil Kumar Singh, UDC (LC)	Second	Rs.300/-
4.	Sh. Rajakumar, UDC (Adm.II)	Third	Rs.200/-

CATEGORY: L.D.C.

1.	Sh. Rakesh Kumar Jha, LDC [IR(B-II)]	First	Rs.300/-
2.	Sh. Pradeep Bose, LDC (Fin-II)	Second	Rs.200/-
3.	Smt. Kalpana Jajoria, LDC (Adm-I)	Third	Rs.100/-
