

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 and Shri Chandra Shekhar Sahu relinquished the charge of Labour & Employment Minister & Minister of

State for Labour and Employment on 24.08.2006 and 24.10.2006 respectively. Shri Oscar Fernandes has assumed charge of Hon’ble Minister of State for Labour & Employment (IC) on 24.10.2006. 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) took over the charge of the post of Special Secretary (L&E) on 06.07.2006 and relinquished charge on 04.12.2006 . Shri H.N.Gupta (IES:70) relinquished charge of the post of Labour & Employment Adviser on 31.03.2006. Shri R.C.Ray (IES:74) has taken over charge of the post of Labour & Employment Adviser on 11.10.2006 in the rank and scale of Additional Secretary. Shri K. Chandramouli, IAS (UP:75) has been relieved from the post of Joint Secretary on 31.03.2006 on completion of his tenure. Shri J.P. Pati, Joint Secretary retired on superannuation on 31.05.2006. Shri Manohar Lal, IAS (RJ-77) Director General, Labour Welfare. and Shri K.K. Mittal IAS (AM:83) Director General (Employment and Training) have been relieved of their duties on 31.08.2006 on completion of their tenure. Ms. Gurjot Kaur, IAS (RJ:81) and Shri S.K.Srivastava, IAS (AM:78) assumed charge of the post of Joint Secretary on 12.06.2006 and 22.06.2006 respectively. Shri Anil Swarup, IAS (UP:81) has taken over charge of the post of Director General, Labour Welfare on 01.09.,2006. Shri Sharda Prasad, IAS (UP: 81) has assumed charge of the post of Director General, Employment & Training on

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)

2.8 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

2.9 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, Bhubaneshwar, Kolkata, Hyderabad, Jabalpur, Karma (Jharkhand) and Nagpur.

AUTONOMOUS ORGANISATIONS

Employees' State Insurance Corporation (ESIC)

2.10 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)

2.11 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)

2.12 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)

2.13 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)

2.14 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)

2.15 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

2.16 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: -

2.17 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)

2.18 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.

2.19. 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.

2.20 During the period from 01.04.2006 to 30.09.2006 these officers handled grievances 23051 out of which were 22537 were settled. They played an important role in preventing these grievances from turning to industrial disputes.

2.21 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

2.22 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 has been conducting Work Measurement 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, the Staff Inspection Unit of the Department of Expenditure guides it. At the beginning of the financial year, an Annual Action Plan of programmes of O&M activities and studies is prepared in consultations 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.

2.23 During the year 2005-2006, the Internal Work Study Unit has conducted O&M inspections of 22 field establishments coming under the administrative control of the Ministry of Labour & Employment. In the current financial year 2006-07, O&M inspections of 4 offices have so far been undertaken. The shortcomings noticed during the inspections, in the areas of administrative matters (vacancy positions / promotional aspects etc), monitoring of court cases / audit paras, implementation of provisions of Manual of Office Procedure and other day to day

functioning, were brought to the notice of the respective wing heads for taking remedial actions so as to improve the functioning, efficiency and output of these offices. During the inspections, orientation sessions were also held to brush up the knowledge of field staff on O&M matters especially in the areas of Records Management and Maintenance of Service Books as also on the Right to Information Act. The Internal Work Study Unit further proposes to carry out work measurement studies of four field units and O&M inspections of 39 offices during the remaining period of the current financial year.

O & M MEETINGS

2.24 With a view to reviewing and obviating the pendency in the Ministry, an O & M Meeting was convened on 08.05.2006 under the chairmanship of Secretary (L&E). All the bureau heads including representatives from the Employees Provident Fund Organisation (EPFO) and the Employees State Insurance Corporation (ESIC) attended the meeting.

2.25 The Progress of Formulation/implementation of Award/Reward scheme in the offices of this Ministry as well as EPFO/ESIC for showing high performance in their respective spheres of activities was discussed in the meeting. Since the ESIC is yet to finalize the Award Scheme, the Chairman directed that the scheme should be finalized by 31st December, 2006. Actions on decisions taken in the previous O & M Meeting particularly with regard to disposal of VIP references, PMO/ Cabinet Secretariat references, Court Cases and Audit Paras, were also discussed. The

Chairman directed each Wing Head to launch special arrear clearance drive in their respective Wing/Organization and complete it by the end of June, 2006. On pending PMO/Cabinet References in EPFO/ESIC, the Chairman impressed upon the Heads of concerned Organizations for expeditious disposal of all such pending cases.

2.26. 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 Divisional Head and position be submitted without waiting for next meeting.

2.27 The Chairman while reviewing the cases pending for over one year directed the concerned authorities to expeditiously dispose of cases and specifically the case pertaining to finalization of lease deed of the building of Labour Bureau, Chandigarh and to explore the feasibility of purchasing land for own building of Labour Bureau in Mohali / Panchkula.

Record Management

2.28. To ensure proper maintenance of records, regular special drives are held to focus on this important aspect of Records Management. With the enforcement of the Right To Information Act, 2005, this aspect of Organisation & Methods (O&M) has regained its significance. In the Ministry, a total of 6478 files were recorded, 7442 files were reviewed and 5016 files were weeded out during the year 2005-06. This is in addition to the

files recorded, reviewed and weeded out by the field units in special drives launched during 2005-06.

2.29. The Record Retention Schedule in respect of Records pertaining to Substantive Functions of the Ministry of Labour & Employment was reviewed and updated in consultation with the National Archives of India. This was circulated among all the Sections for reference and necessary action. The updated Record Retention Schedule for records common to all Ministries/Departments received from the Department of Administrative Reforms and Public Grievances was also circulated in the Ministry.

2.30 The twelfth edition of the Brochure on the Organisation of the Ministry of Labour & Employment was also reviewed and updated during the year 2005-06 incorporating therein the changes that have taken place in the functions and distribution of work amongst various Sections in the Ministry.

CAREER MANAGEMENT AND TRAINING (CMT)

2.31 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.

2.32 During the period from April, 2006 to November, 2006, **45** Officers and members of staff have been sponsored for various training programmes and **40** officers/staff members have been sponsored for computer training programmes which are conducted through corporate trainers for the staff of the Ministry of Labour and Employment under the Information Technology Scheme.

2.33 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.

CONSULTATIVE COMMITTEE MEETINGS

2.34 Two meetings of the Consultative Committee were held on 17.05.2006 and 08.11.2006 under the Chairmanship of Hon’ble Union Minister for Labour & Employment and Minister of State (Independent Charge) for Labour & Employment respectively. The following issues were discussed in these meetings:-

- Status regarding draft bill on Social Security for Unorganised Workers;
- Elimination of Child Labour and National Child Labour Projects (NCLPs);
- Violation of Labour Laws in different parts of the country and increasing use of police force to curb trade union activities, and

- Attack on trade union activities in Haryana

FINANCE WING

2.35 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

2.36 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;

2.37 During the year 2006-2007, 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.

2.38 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

2.39. 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 2006-2007. 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

Minister Speech, Press release etc. and the routine work of the Ministry.

2.40 This year, September, 2006 was observed as Hindi Month to promote the use of Hindi in the Ministry. On this occasion, eleven 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.

2.41 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.

2.42 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

documents such as papers to be placed before the Parliament, Labour Laws , Hon'ble Labour & Employment