

INDUSTRIAL RELATIONS CENTRAL INDUSTRIAL RELATIONS MACHINERY (CIRM)

BRIEF REPORT ON ACTIVITIES OF CLC's (C) ORGANISATION

3.1 The Chief Labour Commissioner's (Central) [CLC(C)] Organisation, also known as Central Industrial Relations Machinery (CIRM), is an attached office of the Ministry of Labour and Employment. The CIRM is headed by the Chief Labour Commissioner (Central). It has been entrusted with the task of maintaining Industrial Relations, enforcement of Labour Laws and verification of Trade Union Membership in central

sphere. CIRM has a complement of 18 officers at the Head Quarters and 250 Officers in the field. The offices of CIRM are spread over different parts of the country with zonal, regional and unit level formations.

FUNCTIONS OF THE ORGANISATION:

3.2 The functions of CIRM are given as under:

FUNCTIONS OF CIRM

- Prevention and settlement of Industrial Disputes, in the Central Sphere;
- Enforcement of Labour Laws and Rules made thereunder in the Central Sphere;
- Implementation of awards.
- Quasi-Judicial functions.
- Verification of the membership of the Trade Unions.
- Welfare.
- Other Miscellaneous functions.

PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES

3.3 The CIRM ensures harmonious industrial relations in the Central Sphere establishments through: -

- Monitoring of industrial relations in the Central Sphere.
- Intervention, mediation and conciliation in industrial disputes in order to bring about settlement of disputes.
- Intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts.
- Implementation of settlements and awards.

- Enforcement of other provisions in the Industrial Disputes Act, 1947 relating to: (1) Works Committee, (2) Recovery of Dues, (3) Lay off, (4) Retrenchment, (5) Unfair Labour Practices, etc.

3.4 During the year 2007-08 the CIRM intervened in 436 threatened strikes and its conciliatory efforts succeeded in averting 420 strikes, which represent a **success rate of 97%**. The Industrial Disputes handled by the machinery during the year 2007-2008 are given as under: -

ENFORCEMENT OF LABOUR LAWS:

3.5 Another important function of CIRM is the enforcement of Labour Laws in the establishments for which the Central Government is the Appropriate Government. The machinery enforces following Labour Laws and Rules framed there under: -

Awards was in progress, implementation of 1156 Awards was stayed by High Courts & implementation of 813 Awards was pending due to other reasons. Difficulties in implementing the awards are experienced as employers obtain stay orders from High Courts on implementation. Besides, sanction for prosecution of employers by the employing Ministries as required under

section 197 of Cr PC seldom comes.

QUASI-JUDICIAL WORK:

3.8 CIRM officers from the level of Assistant Labour Commissioner (Central) {ALC(C)} up to the level of Chief Labour Commissioner (Central){CLC(C)} also perform certain Quasi Judicial Functions as shown below:

| STATEMENT SHOWING NUMBER OF INSPECTIONS ETC. UNDER VARIOUS LABOUR LAWS FOR THE YEAR 2007-08 | | | | |
|---|--------------------------|-----------|---------------------------------|-----------------------|
| Number of Inspections | Number of Irregularities | | Number of Prosecutions launched | Number of Convictions |
| | Detected* | Rectified | | |
| 47322* | 796200 | 393081 | 11246 | 6890 |

*including brought forward from the previous year

CLC(C) - Director General (Inspection) under the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996, Appellate Authority under Industrial Employment (Standing Orders) Act, 1946.

Dy. CLC(C) - Appellate Authority under the Industrial Employment (Standing Orders) Act, 1946. Authority under Rule 25(2)(v)(a) and (b) of the Contract Labour (Regulation and Abolition), Rules 1971

RLC (C) - Authority under the Minimum Wages Act, 1948. Appellate Authority under the Contract Labour (Regulation and Abolition), Rules 1971.

the Payment of Gratuity Act, 1972 and Equal Remuneration Act, 1976 . Certifying officer under Industrial Employment (Standing Orders) Act, 1946 , Supervisor of Railway Labour under Hours of Employment & Regulation Act, 1889

ALC(C) - Controlling Authority under Payment of Gratuity Act, 1972 ; Authority under Equal Remuneration Act, 1976 ; Registering and Licensing Officer under Contract Labour (Regulation and Abolition) Act, 1970 .

3.9 The cases decided by these officers under some of the above enactments / rules are given in the table below: -

| Nature of Quasi Judicial Work | Cases/ Applications/ Claims B/F from previous year | Cases/ Applications/ Claims received during the year | Total | Cases/ Applications/ Claims disposed off | Amount Awarded (in Rupees) |
|---|--|--|-------|--|----------------------------|
| Gratuity Applications under the Payment of Gratuity Act, 1972 (2007-08) | 8284 | 4227 | 12511 | 4520 | 252087126 |

Statutory verification of membership of unions operating in Nationalized Banks:

3.14 Verification of membership of trade unions operating in 27 nationalized banks, State Bank of India and their subsidiary banks is conducted under four statutory rules / schemes viz. State Bank of India (Appointment of Employee Director Rules, 1974); The Nationalized Banks (Management and Misc. Provisions) Scheme 1970; The Nationalized Banks (Management and Misc. Provisions) Scheme 1980 and The Subsidiary Banks (Appointment of Employee Director Rules, 1974).

3.15 The verification is conducted by the CLC(C) office on the request of Ministry of Finance, Department of Banking, for appointing Workmen Director of Bank. The final report of verification of membership of unions operating in 4 banks (Corporation Bank, United Bank of India, Bank of Maharashtra and Indian Bank) were completed and results communicated to Ministry of Finance. Verification of membership of unions operation in 3 Banks are in progress and the final verification result in respect of Punjab National Bank, Punjab & Sind Bank and Allahabad Bank will be sent to Ministry of Finance D/o Banking as early as possible.

The Right to Information Act, 2005

3.16 During the year 2008 about 165 applications including those forwarded by Ministry of Labour & Employment to CLC(C) Headquarter were disposed off as per the provisions of the Right to Information Act, 2005

MISCELLANEOUS FUNCTIONS

3.17 The CIRM performs the following miscellaneous functions also: -

1. Conducting periodic meetings of Minimum Wages Advisory Board and notifying Variable Dearness Allowance every six months as per A.I.C.P.I. number.
2. Defending the Ministry of Labour and

Employment in Writ Petitions filed against the Ministry in different High Courts.

3. Investigations of Complaints as per direction of the Ministry of Labour and Employment..
4. Assisting Central Advisory Contract Labour Board as conveners of different sub-committees to examine prohibition of contract Labour in different employments.
5. Assisting the Ministry in preparation of different reports required to be submitted to International Labour Organisation.
6. Supplying information to the Ministry in replying Parliament Questions on statutes enforced by CLC(C) organization.
7. Advising the Ministry of Labour and Employment in conflict situations like strikes of All India Nature and other Labour matters.
8. Attending to Parliamentary Committees and other important delegations as per the advice of the Ministry.
9. Keeping Liaison with State Government Labour Departments for collection of information as per direction of the Ministry.
10. Assisting the Ministry of Labour and Employment in training of Central Labour Service Officers.

WELFARE

3.18 The Assistant Labour Welfare Commissioners (ALWCs) and Deputy Labour Welfare Commissioners (DLWCs) are posted in Defence and other establishments, such as, CPWD, Security Presses, Mints, Ordnance Factories, Telecom Factories, and Hospitals etc., which are under the control of Central Government. The LWCs are posted at the Head Quarters of these establishments. Together these officers ensure harmonious Industrial Relations in their respective establishments. They also look after the welfare and redressal of grievances of the workers, administration of Welfare Schemes

observing one day strike on 31.03.2008 over the non-settlement of pending issue. RLC (C) Jaipur held the conciliation proceedings on 26.03.2008 and on persuasion the union agreed to avert the strike proposed to be held on 31.03.2008.

3.24 General Secretaries of All India Punjab National Bank Officers' Associations and All India Punjab National Bank Employees' Federation served a strike notice dated 04.03.2008 to observed one day strike on 31.03.2008 to press their demands. CLC (C) intervened in the matter and held conciliation proceedings on 26.03.2008 and during the proceedings both the parties agreed to have bilateral discussion to resolve the issues and the Union agreed to defer the proposed strike.

MAJOR PORTS

3.25 Five recognized Federations operating in the Major Port Trust and Dock Labour Boards served strike notice proposing indefinite strike on or after 16.07.2008 to press their 7- point charter of demands. The demands were (i) merger of 50% DA with pay w.e.f 01.01.2005, (ii) payment of interim relief at the rate of 13.5% of basic pay w.e.f. 01.01.2007 and (iii) payment of difference of PLR / Bonus (Productivity Linked Reward) to be paid as per the liberalized provision of amended Bonus Act, etc. Chief Labour Commissioner (C) intervened and held conciliation proceedings on 9th July, 10th July and finally on 15th July, 2008. After prolonged thread-bare discussion and persuasion a Memorandum of Settlement was signed on 15.07.2008 and the Federations agreed to call off the proposed strike. Nearly 66000 regular workmen of Major Ports benefited by this settlement.

The Unions / Federations operating in the Major Port Trust and Dock Labour Board served strike notice proposing indefinite strike on or after 10.03.2009 to press their charter of demands for revision of wages / liberalization of other service conditions of Port & Dock Workers w.e.f 01.01.2007. Regional Labour Commissioner

(Central) Headquarters held conciliation proceedings on 09.03.2009 and after persuasions the union agreed to withdraw/call off the proposed strike.

COAL MINE

3.26 The President, National Front of Indian Trade Unions Dhanbad (NFITU) (DHN) served strike notice dated 20.09.2008 to the Chairman Coal India Ltd., to observe strike in all subsidiaries of Coal India Ltd., w.e.f. 1st Shift of 24.11.2008 to press their demand regarding representation of NFITU (DHN) on International and National Conferences, committees, Councils such as J.B.C.C.I for Coal Industry etc. The CLC (C) intervened and fixed conciliation proceedings on 20-11-2008 at Kolkatta. After prolonged discussion and persuasion of the CLC (C) Union agreed to defer the strike.

3.27 The Joint Committee consisting of 5 Central Trade Unions operating in coal industry served notice proposing three day nation wide strike in all coal mines across the country w.e.f. 05.01.2009 to press their 19 point charter of demands. The main demand of the Joint Committee is for immediate settlement of NCWA-VIII (wage revision) for a period of 5 years with 100% neutralization of DA. The Dy. CLC (C), Dhanbad intervened in the matter and held conciliation proceedings on 31.12.2008 and 04.01.2009. Dy. CLC (C) Dhanbad informed that the Central Trade Unions have unanimously agreed to withdraw the proposed strike w.e.f. 5-1-2009 following a consensus arrived at during the 8th meeting of JBCCI-VIII held at Hyderabad on 2nd and 3rd January 2009 that 24% emoluments (basic + DA + SDA + Attendance Bonus) would be paid as the minimum guaranteed benefit for the workmen.

NON COAL MINES

3.28 About 13,000 contract labourers of Neyveli Lignite Corporation (NLC) resorted to strike w.e.f. 02.06.2008. The strike call was given

VISION STATEMENT OF CLC(C) ORGANISATION

- To simplify labour laws capable of protecting the interests of social partners and economy.
- To secure social security measures for workmen in unorganised sectors through umbrella legislation.
- To further improve conciliation services, administration and enforcement of labour laws to meet the expectations of social partner and future changes in economy and global scenario through a system of meaningful dialogue and regular interactions with them.
- To secure national minimum wages for workers in all employments.
- To equip the CLC's(C) organisation with trained and motivated officials with proper orientation through continuous training and development programmes.
- To maintain a data bank at the national level relating to industrial relations, administration and enforcement of labour laws with facilities of continuous updating through computer network across the country.

Trade Unions Act, 2006

3.31 The Trade Unions Act, 1926 provides provisions for registration of trade unions of employers and workers and in certain respects, it defines the law relating to registered trade unions. It confers legal and corporate status on registered trade unions. The Act is administered by the concerned State Governments.

3.32 The Trade Unions Act, 1926 has been amended and enforced w.e.f. 09.01.2002. The objective of these amendments, in brief, is to ensure orderly growth of trade unions and reduce multiplicity of trade unions and promote internal democracy.

Amendment proposals to the Industrial Disputes Act, 1947

3.33 The Industrial Disputes Act, 1947 provides

for investigation and settlement of industrial disputes. The main objectives of the Act are: promotion of measures for securing and preserving amity and good relations between the employer and workmen; investigation and settlement of industrial disputes, between employers and employers, employers and workmen or workmen and workmen, prevention of illegal strikes and lock-outs; relief to workmen in the matter of lay-off and retrenchment; and collective bargaining.

3.34 In accordance with the National Common Minimum Programme (NCMP) that changes in labour laws must take place after consultation with the industry and trade unions, Ministry of Labour & Employment has held tripartite consultations with stake holders and formulated certain draft proposals for amendment in the Industrial Disputes Act, 1947. The amendment proposals to the Industrial Disputes Act, 1947 are at the advanced stage viz. preparation of the Industrial Disputes (Amendment) Bill, 2008.

Plantations Labour Act, 1951

3.35 The Plantation Labour Act, 1951, is a Central Act enacted by the Union Government in 1951. The Act is in operation since 1954. The Act is enforced by the respective State Governments, who designate Chief Inspectors under the Act. The Chief Inspectors under the Act, on the basis of rules framed by the respective State Governments, ensure implementation of welfare measures relating to medical facilities, educational facility, housing facilities, drinking water facility, sanitation and conservancy etc. However, since 1951, the socio-economic conditions, the infrastructure facilities and the welfare activities of the State Governments have evolved significantly.

3.36 In accordance with the National Common Minimum Programme (NCMP) that changes in labour laws must take place after consultation with the industry and trade unions, Ministry of Labour & Employment has held tripartite consultations

These applications are examined and a hearing is held in order to provide an opportunity to both the management and the workers to make submissions on issues pertaining to the proposed action of the management. Based on the oral and written submissions made by the parties, and considering the reasonableness/ genuineness of the management's application, a decision as to granting or not granting permission for closure, retrenchment or lay-off is taken. Wherever permission is granted, it is ensured that workers' interests are protected as far as possible.

Industrial Tripartite Committees

3.46 Industrial Tripartite Committees (ITCs) have been constituted with the view to promote the spirit of tripartism. These tripartite bodies provide a forum whereby the social partners through dialogue can appreciate the problems of industries and workers affected by Economic Reforms. These Committees are non-statutory Standing Committees meetings of which are convened as and when required. Government's proactive role has successfully harmonized the interest of the employers and the workers resulting in a change of attitude from confrontation to that of co-operation.

3.47 There are seven Industrial Tripartite Committees (ITCs) one each on Cotton Textiles, Jute, Road transport, Electricity Generation & Distribution, Engineering, Sugar and Plantation industry to discuss the labour related issues concerning to that particular industry.

ADJUDICATION

3.48 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

organizations 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.

3.49 In order to reduce the pendency of cases, Lok Adalats are being organized by the CGIT-cum-Labour Courts. During the period from 01.04.2008 to 31.12.2008 31 Lok Adalats were held through which 192 cases have been settled.

BOARD OF ARBITRATION (JOINT CONSULTATIVE MACHINERY)

3.50 Government of India had introduced in 1966 a Scheme for Joint Consultative Machinery and Compulsory Arbitration for resolving differences between the Government as an employer and the general body of its employees.

3.51 The Scheme provides for compulsory arbitration on Pay and Allowances, weekly hours of work and leave of a class or grade of employees. Under the Scheme the Board of Arbitration (JCM) was set up in July, 1968. The Board consists of a Chairman and two other members. The Chairman is a whole time person. The Ministry of Labour appoints the other two members at the time of referring the dispute to the Board out of a panel of members from the Staff Side as well as from the Official Side maintained by it.

3.52 As on 31.01.2009, the Board has given 257 Awards out of 259 references referred to them. Presently the post of Chairman, Board of Arbitration is lying vacant. The process to fill up the vacant post is in advance stage.