

## Chapter-2

## ORGANISATIONAL STRUCTURE &amp; 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)

<b>Box 2.1</b>	
<b>LABOUR JURISDICTION: CONSTITUTIONAL STATUS</b>	
<b>Union List</b>	<b>Concurrent List</b>
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 Dr. Sahib Singh Verma demitted office as Labour Minister on 21.05.2004. Shri Sis Ram Ola took over the charge as the Labour and Employment Minister on 22.05.2004 and demitted office on 27.11.2004. Shri K. Chandrasekhar Rao assumed charge as the Labour and Employment Minister w.e.f 27.11.2004. Dr. P.D. Shenoy, IAS(KN:67), Secretary, on attaining the age of superannuation, retired from Government Service on 31.08.2004. Shri K.M. Sahni, IAS (AGMU:69) assumed charge of the post of Secretary on 02.9.2004. Shri Baleshwar Rai, IAS(AGMU:70), Additional Secretary was relieved of his duties to take over charge of the post of Secretary, Department of Official Language w.e.f 01.11.2004. Shri D.S. Poonia, IAS (MT:78), Shri Manohar Lal, IAS (RJ-77), 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. Smt. Asha Murthy, IAS (AP:74), Director General (Employment

and Training) was relieved of her duties w.e.f 27.08.2004. Shri K.K. Mittal IAS (AM:83) assumed charge of the post of Director General (Employment and Training). Shri S.K. Mukhopadhyay, CLC(C) continued to hold charge of the post of Chief Labour Commissioner (Central).

## STRUCTURE AND FORMATION

2.3 The Ministry has following four attached offices and eighteen subordinate offices, four autonomous organizations, nineteen adjudicating bodies and one arbitration body.

## ATTACHED OFFICES

**Directorate General of Employment & Training (DGE&T)**

2.4 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)]**

2.5 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)**

2.6 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**

2.7 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)**

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

#### **Protector of Emigrants (POEs)**

2.10. The process of emigration clearance was done through the eight offices of Protectors of Emigrants (POEs) located at Delhi, Mumbai, Kolkata, Chennai, Chandigarh, Cochin, Hyderabad and Thiruvananthapuram. The work relating to the Protector General of

Emigrants (PGE) has been now transferred to the Ministry of Overseas Indian Affairs w.e.f. 16.12.2004.

## **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, 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) (two courts), Mumbai (two courts), Asansol, Kolkata, Jabalpur, New Delhi (two courts), Chandigarh (two courts), Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad, Bhubaneswar, Ahmedabad, Ernakulam 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. It is presently headed by Justice Ms. Shanta Agarwal w.e.f. 20.06.2003.

### **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: -

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 3<sup>rd</sup> February 1987 to ensure better industrial relations, labour law enforcement and labour welfare.

2.19. 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 Commissioner (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 01.04.2004 to 30.09.2004 these officers

handled 22377 grievances out of which 21604 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) and Joint 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 conducted Work Measurement Studies, Method Studies, Records Management Studies and O&M Inspections of various offices in the Ministry of Labour and Employment during the year 2004-2005 and it further proposes to conduct a number of Studies/Inspections during the current year. Apart from regular inspections of the sections with reference to O&M aspect, inspections are also carried out in the field offices. Orientation sessions are held during these visits to brush up the knowledge of field staff on O&M matters especially in areas of weakness like record management, file management and maintenance of Service Books. Apart from O&M Inspections of the various sections/Desks/Units of the

Ministry, during year 2003-04, Internal Work Study Unit carried out O&M Inspections of 17 field offices of the Ministry. Work Measurement Studies in respect of VV Giri NLI, V .V Giri NLI (Hindi Posts), POE Hyderabad, LW, BL, RW and Hindi Anuvad Sections has also been carried out during last year.

### **O & M MEETINGS**

2.23 Dr. P.D.Shenoy, former Secretary Labour & Employment chaired the O&M Meeting held on 17.08.2004. On his directions given in an earlier O&M Meeting, a Training Module for Peons and other Group 'D' staff has been developed, in association with private partners, to achieve a perceptible, visible, measurable, substantial improvement in behavioural pattern, work-culture, functioning, attitudinal change & better perception amongst the Group 'D' staff.

2.24 Introduction of Cash Award/ Reward Scheme in various offices of the Ministry was re-emphasized. Secretary directed that there is need for personal attention of heads of attached / subordinate offices for finalizing such a scheme. In this connection, Secretary noted that DG, FASLI have finalized such a scheme in Head Quarters and Central Labour Institute/ Regional Labour Institutes/ Inspectorate of Dock Safety Offices. The Scheme will be finalized shortly in Labour Bureau. In respect of CBWE, the scheme has been formulated for Group C & D employees. A separate Scheme shall be formulated shortly in respect of Education Officers and Regional Directorates. In respect of DGE&T, it was noted that the Award Scheme for different categories of field institutes / offices has already been formulated and accordingly a Selection Committee chaired by DGE&T/JS has finalized the Awards for the year 2003. EPFO has already introduced an Incentive/ Award/ Reward Scheme and the necessity of introducing a supplementary Award

Scheme for O&M activities may be considered. ESIC informed that Cash Award Scheme for O&M activities has already been implemented, a separate Award/ Reward Scheme for the Best Hospital has been formulated and an incentive scheme for corporation employees is under formulation.

### **Record Management**

2.25 To ensure proper maintenance of records, regular drives are held to focus on this important aspect. In the Ministry, 1840 files were recorded, 2289 files reviewed and 775 files weeded out last year. This is in addition to the drives held in the field units.

### **AWARDS**

#### **Best Section Award**

2.26 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 enables recognition of bright officials so that distinction can be made between workers & shirkers and the performers & non-performers. It was emphasised 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.

2.27 The best organised Section/Desk/ Unit/Cell was given Minister's running trophy along with cash awards and commendation certificates. The first and second runners up sections were also given cash awards and commendation certificates. The cash awards were given to each dealing Assistant, Clerk / Typist and Group 'D' employee working in these sections, as per details given in Table- 2.1

2.28 In addition, the Under Secretaries of the concerned sections were also given certificates of commendation. To ensure greater participation in the coming years, the Deputy Secretaries/Directors have been directed to ensure that their sections in the Ministry of Labour & Employment (Main Secretariat) participate in the award scheme for the year 2003-2004. The Awards for the year 2003-2004 are slated to be finalized very soon.

**Manual of Office Procedure (MOP)  
Awareness Competition**

2.29 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 details given as under: -

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.

2.30 The Manual of Office Procedure (MOP) Competition for the year 2003-04 have been organised last year and the winners of the last competition for the year 2003-04 are given at **Table-2.2**

**CONSULTATIVE COMMITTEE  
MEETINGS**

2.31 On the Constitution of the 14<sup>th</sup> Lok Sabha, a new Consultative Committee attached to the Ministry of Labour and Employment has been constituted by the Ministry of Parliamentary Affairs on 5<sup>th</sup> October, 2004. Two Meetings of the Consultative Committee were held on 09.11.2004 and 14.12.2004.

**CAREER MANAGEMENT AND  
TRAINING (CMT)**

2.32 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 to nominate 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.

2.33 During the period from April, 2004 to December, 2004, 35 Officers and members of staff have been sponsored for various training programmes.

2.34 Steps have already been taken to train the Group 'D' staff of the Ministry with a view to improve their working skills and inculcate the instinct to learn more. This programme is unique in the sense that these staff members are generally not exposed to training or orientation programmes at any stage of the career. One such course, third in the series, will be conducted from 10-14 January, 2005.

2.35 In the next phase of Computer training, 50 personnel of the Ministry of Labour and Employment will be imparted training through NIC (Hqrs), Lodi Road, New Delhi during January-February, 2005.

**FINANCE WING**

2.36 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. A Controller of Accounts, who is responsible for cash management, heads the accounting set-up.

2.37 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;

2.38 During the year 2003-2004, 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.

2.39 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**

2.40 The Ministry of Labour has during the year made several efforts to promote the use of Hindi in official work and create interest in officers/employees to work in Hindi. Steps have been 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 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 Acts and Legislations, L.M. Speech, Press release etc. and the routine work of the Ministry.

2.41 This year, September, 2004 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 Hindi culture among the officials. Officials of the Ministry participated in these competitions in large number. The persons who won first, second and third prize in the competitions were given a cash prize of Rs.1200/-, 1100/- and 1000/- respectively alongwith a certificate by the Union Labour Minister at a function organized on 19.10.2004.

2.42 Almost entire 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.

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

<b>Table-2.1</b>					
<b>Best Section Award Scheme of Department of Administrative Reforms &amp; Public Grievances</b>					
<b>Trophy &amp; Cash Award Distribution for the year 2002-2003</b>					
<b>Ministry of Labour &amp; Employment (Main Secretariat)</b>					
<b>Rank</b>	<b>Name of the Sections</b>	<b>Sl. No.</b>	<b>Names of the staff</b>	<b>Designation</b>	<b>Amount Received (in Rupees)</b>
<b>Best Section</b>	Carrier Management and Training & Parliament Unit (CMT / PU Section)	1.	Shri B.P.Gupta	Section Officer	1500/-
		2.	Shri A.K.Gopal	Parliament Assistant	1000/-
		3.	Shri Debal Patra	Assistant	1000/-
		4.	Smt. Anuradha Sood	UDC	750/-
		5.	Shri R.A.Manjhi	LDC	750/-
		6.	Shri Krishan Kumar	LDC	750/-
		7.	Shri Ramnarayan	Peon	500/-
<b>First Runner Up</b>	Administration - III	1.	Shri P.C.Bharadwaj	Section Officer	1000/-
		2.	Shri R.R.Gupta	Assistant	700/-
		3.	Shri Kamal Bakhru	Assistant	700/-
		4.	Smt. Vijay Bhandari	UDC	500/-
		5.	Smt. Sumati Saklani	UDC	500/-
		6.	Shri Darshan Singh	LDC	500/-
		7.	Shri Sakru	Peon	350/-
<b>Second Runner Up</b>	Internal Work Study Unit	1.	Shri R.Joshi	Senior Analyst	750/-
		2.	Shri P.J.Michael	Junior Analyst	750/-
		3.	Shri Anil Bhandula	Junior Analyst	750/-
		4.	Shri Rajinder Kumar	Research Assistant	500/-
		5.	Shri Pushpender Kumar	Research Assistant	500/-
		6.	Smt. Poonam Dogra	Stenographer	375/-
		7.	Shri Sher Singh Meena	LDC	375/-
		8.	Shri Khazan Singh	Daftry	250

<b>Table – 2.2</b>			
<b>Details of Winners of the competitions for the year 2003-2004</b>			
<b>CATEGORY: ASSISTANTS</b>			
<b>S.No.</b>	<b>Name of the Winner (Section attached to)</b>	<b>Rank Obtained</b>	<b>Amount of the Prize (in rupees)</b>
1.	Sh. Dharmendra Kumar, Assistant (WB)	First	Rs.500/-
2.	Sh. K.P.Tiwari, Assistant (SS-I)	Second	Rs.300/-
3.	Sh. Pramod Kumar Sahoo, Assistant (SS-II)	Third	Rs.200/-
<b>CATEGORY: U.D.C.</b>			
1.	Sh. Anil Kumar Madan, UDC (PGE-I)	First	Rs.500/-
2.	Sh. Sunil Kumar Singh, UDC (LC)	Second	Rs.300/-
3.	Sh. Brajesh Bhardwaj, UDC (O/o Addl.Secy)	Third	Rs.200/-
<b>CATEGORY: L.D.C.</b>			
1.	Sh. Akshaya Kumar Mohapatra, LDC (SS-I)	First	Rs.300/-
2.	Sh. Nitesh Kumar Sinha, LDC (SS-II)	Second	Rs.200/-
3.	Sh. Rakesh Kumar Jha, LDC (Desk IR B-II)	Third	Rs.100/-

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