

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 Oscar Fernandes relinquished the charge of the Office of Minister of State for Labour & Employment (IC). Shri G.K.Vasan, Hon'ble Minister of State (IC) of the Ministry of Statistics & programme Implementation assumed the charge

of the office of the Ministry of Labour & Employment on 03.03.2009 in addition to his charge. Smt. Sudha Pillai, IAS (KL:72) continued to hold the charge of the post of Secretary (Labour & Employment). Shri S.Krishnan, IAS (UP:75) has been promoted to the post of Special Secretary (Labour & Employment) w.e.f 12.09.2008. Dr. Ashok Sahu (IES:75) continued to hold the charge of the post of Labour & Employment Adviser in the rank and scale of Additional Secretary. Shri S.K. Srivastava, IAS (AM:78) continued to hold the post of Joint Secretary in the Ministry of Labour and Employment. Shri S.K.Dev Verman (IAS:MT 88) continued to hold the charge of the post of Joint Secretary in the Ministry of Labour and Employment. Shri Anil Swarup, IAS (UP:81) continued to hold the post of Director General, Labour Welfare. Shri Sharda Prasad, IAS (UP: 81) continued to hold the post of Director General, Employment & Training. Dr. Harcharan Singh (ISS:80) continued to hold the post of Deputy Director General (in the rank of Joint Secretary). Shri K.M.Gupta (IES:1982) assumed charge of the post of Economic Adviser in the rank of Joint Secretary w.e.f. 01.01.2009. Shri S.K. Mukhopadhyay, Central Labour Service continued to hold charge of the post of Chief Labour Commissioner (Central).

STRUCTURE AND FORMATION

2.3 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 General⁰ 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.

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.

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 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

2.21 With a view to bringing about administrative reforms, determining the staffing patterns and designing suitable organisational 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, it is guided by the Staff Inspection Unit of the Department of Expenditure. 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.

2.22 During the year 2007-2008, the Internal Work Study Unit conducted O&M inspections of fourteen field establishments. In the current financial year 2008-09, O&M inspections of twelve field units have been conducted. 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 area of Records Management as also on the Right to Information Act, 2005.

O & M MEETINGS

2.23 With a view to reviewing and reducing the pendency in the Ministry, O & M meeting was convened on 26.03.2008 under the chairpersonship of Secretary (L&E). The meeting was attended by all the Bureau Heads including representatives from the Employees Provident Fund Organisation (EPFO) and the Employees State Insurance Corporation (ESIC).

2.24 In the above O&M meeting, pendency position of PMO/Cabinet references, Public Grievance Cases, Parliamentary Assurances, Court Cases, Audit Paras, Records Management etc. was discussed and suitable directions were issued by the chairpersonship to all the concerned to expedite disposal of such cases.

Record Management

2.25. With the enforcement of the Right to Information Act, 2005, this aspect of Organisation and Method (O&M) has regained its significance. Records Management aspect has been one of the agenda items in the O&M meetings wherein the chairpersonship has been insisting upon the necessity of proper management of records. During the period 01.04.2008 to 31.12.2008, 2265 files were recorded, 3137 files were reviewed and 1791 files were weeded out in the Ministry (Main Sectt).

2.26 To emphasize the importance of proper management of records in the Ministry in accordance with provisions of the Public Records Act, 1993 and Public Records Rules, 1997 and with a view to facilitating easy access to public records as envisaged in the Right to Information Act, 2005, the Secretary (Labour & Employment) visited the Departmental Records Room of Ministry of Labour & Employment (Main Sectt.) and issued suitable directions regarding reviewing and weeding of the records, proper preservation of records and maintenance of the Records Room.

CAREER MANAGEMENT AND TRAINING (CMT)

2.27 The substantial 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. Also this unit makes arrangements for the need based training programmes for officers and staff members of the Ministry, viz. computer applications for the officers/officials through corporate trainers; and behavioural skills and service matters for Group 'D' staff through corporate and in-house trainers.

2.28 During the period from April 2008 to March, 2009, 64 Officers and members of staff have been sponsored for various training programmes.

CONSULTATIVE COMMITTEE MEETINGS

2.29 Seven meetings of the Consultative Committee attached to this Ministry were held on 24.01.2008, 11.03.2008, 09.07.2008, 13.08.2008, 29.09.2008, 17.12.2008 and 18.02.2009 respectively under the Chairmanship of Hon'ble Minister of State for Labour & Employment (IC).

2.30 The following issues were discussed in these meetings: -

- (i) **Contract Labour;**
- (ii) **Steps taken for providing Social Security to Unorganized Workers;**
- (iii) **Formulation of National Policy on Skill Development;**
- (iv) **Matters relating to Employees' Provident Fund Organisation , Employees State Insurance Corporation and Gratuity;**
- (v) **Economic upliftment of tea plantation workers.**
- (vi) **Matters relating to Gratuity**
- (vii) **Functioning of Labour Bureau.**

FINANCE WING

2.31 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

2.32 The 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;

2.33 During the year 2008-09, 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.

PROGRESSIVE USE OF HINDI

2.34. 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 2008-09. 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's Speech, Press release etc. and the routine work of the Ministry.

2.35 Hindi month fortnight was observed during 1-15 September, 2008 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 Officials of the Ministry participated in these competitions.

2.36 The Hindi work is done on computer by the Hindi Division. One stenographer and three typists of the Hindi Section are working on the Computer. Efforts are being made to prepare bilingual and update the Website of the Ministry. Officers attached with the Rajbhasha Wing also conduct inspections regarding the Hindi work from time to time.

2.37 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 Government's Official Language Policy and is committed to fulfill this objective.

2.38 Hindi Advisory Committee of Ministry of Labour and Employment has been re-constituted and one meeting of it was conducted on 22.04.2008 in which Hon'ble Members expressed their satisfaction regarding implementation of Official Language.

ACTION TAKEN ON AUDIT PARAS OF C&AG'S REPORT

2.39 Action Taken Notes (ATN) on 7 out of 8 Audit Paras in Comptroller & Auditor General (C&AG)'s Report for the year 2005-06 have been furnished to the Monitoring Cell of Ministry of Finance and the same in respect of Para 1 is being revised. While there was no para in the name of Ministry of Labour & Employment for the year 2006-07, the C&AG's Report for the year 2007-08 is yet to be presented to the Parliament.