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## 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 State Governments are competent to enact legislations subject to certain matters being reserved for the Centre.

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 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 invalidity and old age pension and maternity benefit

### PERSONNEL

2.2 Shri Sharad Yadav took over the charge as Minister of Labour on 01.09.2001 after Dr. Satyanarayan Jatiya demitted office. Shri Muni Lal continued to hold the charge as Minister of State for Labour. Shri Vinod Vaish IAS (MP. 66) continued to hold the charge of the post of Secretary (Labour). Smt. Uma Pillai IAS (UP:68) continued to hold the charge of the post of Addl. Secretary. Dr. G.S. Ram, IES continued to hold the charge of post of Labour and Employment Adviser. Shri S. Krishnan relinquished the charge of the post of Director General (Employment & Training) on 04.09.2001 and Smt. Asha Murthy assumed the charge w.e.f 27.09.2001. Shri S.K. Das, IAS relinquished the charge of post of Joint Secretary and Director General, Labour Welfare on 01.05.2001 and in his place Shri Manohar Lal, IAS

assumed charge on 11.06.2001. Shri Subhash Sharma, IAS relinquished the charge of the post of Chief Labour Commissioner (Central) on 31.08.2001. Shri S.K. Mukhopadhyay, CLS assumed the charge of the post of Chief Labour Commissioner (Central) w.e.f 31.08.2001. Smt. Padma Balasubramanian, Indian Postal Service, Shri K. Chandramouli, IAS and Shri J.P. Pati CSS continued to hold the charge of Joint Secretaries in the Ministry.

### STRUCTURE AND FORMATIONS

2.3 The Ministry has four attached offices and ten subordinate offices, four autonomous organisations, seventeen adjudicating bodies and one arbitration body (Box 2.2). The main functions of the Ministry and these Offices are indicated in Box 2.3.

Box 2.2

**OFFICES UNDER THE MINISTRY OF LABOUR****ATTACHED OFFICES:**

- Directorate General, Employment and Training, New Delhi.
- Office of the Chief Labour Commissioner (Central), New Delhi.
- Labour Bureau, Chandigarh & Shimla.
- Directorate General, Factory Advice Service and Labour Institutes, Mumbai.

**SUBORDINATE OFFICES:**

- Directorate General, Mines Safety, Dhanbad.
- Offices of the Welfare Commissioners, Allahabad, Bangalore, Bhilwara, Bhubaneswar, Kolkata, Hyderabad, Jabalpur, Karma (Jharkhand) and Nagpur.

**ADJUDICATING BODIES:**

- Central Government Industrial Tribunal-cum-Labour Court No. 1 & 2 Dhanbad (Jharkhand), No. 1 & 2 Mumbai, Asansol, Kolkata, Jabalpur, New Delhi, Chandigarh, Kanpur, Nagpur, Lucknow, Bangalore, Jaipur, Chennai, Hyderabad and Bhubaneswar.

**ARBITRATION BODY:**

- Board of Arbitration (JCM), New Delhi.

**AUTONOMOUS ORGANISATIONS:**

- Employees' State Insurance Corporation, New Delhi.
- Employees' Provident Fund Organisation, New Delhi.
- V.V.Giri National Labour Institute, NOIDA (UP).
- Central Board for Workers' Education, Nagpur.

Box 2.3

**MAIN SUBJECT**

- 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
- Emigration of Labour for employment abroad
- Employment Services and Vocational training
- Administration of Central Labour & Employment Services
- International Cooperation in Labour & Employment matters

## 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 co-ordinating employment services.

### Office of the Chief Labour Commissioner (Central)

2.5 The 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 on national and international conferences and committees and (e) fixation and revision of dearness allowance Component of minimum wages by notification under the Minimum Wages Act, 1948 in scheduled employments.

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

2.6 This Office 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 and 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 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.

## 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. 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, a registered society, 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 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 Seventeen 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.

## **ARBITRATION BODY**

### **Board of Arbitration (Joint Consultative Machinery)**

2.15 The Board 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.

### **Central Labour Service (CLS)**

2.16 The Central Labour Service (CLS) was constituted with effect from 3rd February 1987 to ensure better industrial relations, labour law enforcement and labour welfare. The sanctioned strength in different grades of the Central Labour Service is indicated in Box Nos.2.4.

2.17 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 Labour 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.

2.18 During the period from 01st April, 2001 to 31st December, 2001 these officers handled 8125 grievances out of which 8062 were settled. They played an important role in preventing these grievances from turning to industrial disputes.

2.19 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 under the Director General (Labour Welfare) administer the Welfare Funds for beedi, cine and certain categories of non-coal mine workers.

Box 2.4

**SANCTIONED STRENGTH IN DIFFERENT GRADES OF THE  
CENTRAL LABOUR SERVICE**

<b>Grades &amp; Scale of Pay</b>	<b>Central Industrial Relations Machinery</b>	<b>Sanctioned strength</b>	<b>Central Pool of Labour Officers</b>	<b>Sanctioned strength</b>	<b>Labour Welfare Organisation</b>	<b>Sanctioned strength</b>
<b>Grade I</b> Rs.16,400-450-20,900	Chief Labour Commissioner (Central)	1	—	—	—	—
<b>Grade II</b> Rs. 14,300-400-18,300	Jt. Chief Labour Commissioner (Central)	1	Chief Adviser (Labour Welfare)	1	—	—
<b>Grade III</b> Rs.12,000-375-16,500	Dy. Chief Labour Commissioner (Central)	6	Labour Welfare Commissioner	6	Welfare Commissioner	9
<b>Grade IV</b> Rs. 10,000-325-15,200	1) Regional Labour Commissioner (Central) 2) Regional Labour Commissioner (Central) (Training) 3) Director (Training)	20 1 1	Dy. Labour Welfare Commissioner	63	—	—
<b>Grade V</b> Rs.8,000-275-13,500	Assistant Labour Commissioner (Central) Asstt. Director	75 2	Assistant Labour Welfare Commissioner	167	Assistant Welfare Commissioner	5

## WORK STUDY

2.20 During the year 2001-2002, the Internal Work Study Unit finalised/issued a number of reports.

## RECORDS MANAGEMENT

2.21 To achieve better results in the disposal of cases/records, special drives were launched for clearance of arrears and recording/weeding of files.

## O&M MEETING

2.22 The O&M Meetings were held on 29.05.2001 and 04.01.2002. Presiding over these meetings, Secretary (Labour) described O&M as a platform to review unit-wise performance. He urged that self-evaluation was necessary so that at the end of the day it could be assessed as to what had been the productivity for the day. He advised that we should explore and exhaust all the possibilities in accomplishment of a given task. There was need for lasting change in our consciousness for protecting the interests of workers at large by implementing the schemes and programmes of the Government. We should encourage

compassion, contentment and an intuitive understanding to flow naturally from within us. He further advised that we could ourselves see our strengths and weaknesses and ensure that wherever we were responsible we should do the work well. He reiterated that we must realize that instinctively all humanity wants goodness and happiness. Therefore, we should develop compatibility and take a holistic approach while analysing the situation in totality and discharge our functions with great sincerity. An approach of learning from experience goes a long way in discharging ones own work.

## CONSULTATIVE COMMITTEE MEETINGS

2.23 Three meetings of the Consultative Committee were held on 29.6.2001, 21.08.2001 and 23.10.2001. Issues discussed in the meetings relate to: -

- (i) Functioning of Employees' Provident Fund Organisation (EPFO)
- (ii) Functioning of Directorate General of Factory Advice Services & Labour Institutes (DGFASLI)

- (iii) Functioning of Directorate General of Mines Safety (DGMS)

## **CAREER MANAGEMENT AND TRAINING (CMT)**

2.24 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.

2.25 During the period from April 2001 to December 2001, 20 Officers and members of staff were sponsored for various training programmes.

## **FINANCE WING**

2.26 The 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 proper and the attached and subordinate offices, Performance Budget, expenditure control and financial review, work measurement studies, internal audit etc. The accounting set-up, is headed by Controller of Accounts who is responsible for cash management.

2.27 During the year 2001-2002, 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 sought to be enforced and guidelines relating to effective cash management were also followed.

2.28 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. It is also proposed to streamline and strengthen the functioning of the Internal Audit Wing which function under the Integrated Financial Adviser.

## **PROGRESSIVE USE OF HINDI**

2.29 A number of steps have been taken to promote the use of Hindi in the Ministry of Labour. Appropriate action has been taken to ensure implementation of the provisions of the Official Language Act/Rules and also orders/instructions, guidelines issued by the Department of Official Language from time to time. Implementation of the Official Language Policy of the Government of India, translation of important documents such as papers to be placed before the Parliament, Labour Acts and Legislations, Minister's Speech, Press release etc. and routine work of the Ministry are the main functions undertaken by the Hindi Division.

2.30 During the year two meetings of Hindi Advisory Committee of the Ministry were held on 16.7.2001 and 11.1.2002 under the Chairmanship of the Hon'ble Union Minister of Labour. Similarly, three meetings of Official Language Implementation Committee of the Ministry were conducted.

2.31 September, 2001 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 Hindi in which officials of the Ministry participated in large number. The persons who won first, second and third place in the competitions were given a cash prize of Rs.1200/-, Rs.800/- and Rs.600/- respectively alongwith a certificate by the Union Labour Minister at a function organised on 28.11.2001. On this occasion Minister of State for Labour & Employment, Labour Secretary and other officers and Staff members of the Ministry were also present. A message released by the Hon'ble Union Minister of Labour on Hindi Diwas was circulated in the Ministry and all the attached/subordinate offices and autonomous bodies of the Ministry with a view to propagate and promote the use of Hindi. In pursuance of the assurance given to the Parliamentary Committee on Official Language, it has been decided to bring out an Annual Hindi Magazine in the Ministry.

2.32 Most of the Hindi work in the Hindi Division is done on computer. Two

Stenographers and two typists of the Hindi Section are working on Computer. Pay slips and G.P.F. Statements are being issued to officers and employees in Hindi through the computer software programme.

2.33 Sixteen sections of the Ministry have been notified to do their entire work in Hindi. Also, 24 subjects being dealt within eight different sections of the Ministry have been notified so that work related to those subjects is done in Hindi only. All documents under Section 3(3) of O.L. Act, 1963 were issued both in Hindi and English. The Ministry of Labour is making all efforts to ensure effective implementation of the Official Language Policy and is committed to fulfil this objective.

## **SECOND NATIONAL COMMISSION ON LABOUR**

### **Background**

2.34 The Second National Commission on Labour under the Chairmanship of Shri Ravindra Varma was set up on 15.10.1999 by a resolution of the Government of India, the Ministry of Labour. The Commission was given a two-point terms of reference (i) to suggest rationalization of existing laws relating to labour in the organized sector; and (ii) to suggest "umbrella" legislation for ensuring a minimum level of protection to the workers in the unorganized sector. While developing the framework for its recommendations the Commission is to, inter-alia, take into account the emerging economic environment involving rapid technological changes, globalisation of economy, liberalization of trade and industry as also the need for bringing existing laws in tune with the future labour market needs and demands.

### **Constitution of Six Study Groups**

2.35 The Commission constituted Six Study Groups for in-depth and focused study on the following subjects: -

- i) Review of Laws
- ii) Umbrella Legislation for Unorganised Sector Workers
- iii) Globalisation and Its Impact
- iv) Social Security
- v) Women & Child Labour
- vi) Skill Development, Training & Workers' Education

### **Detailed Questionnaire**

2.36 At its second meeting held on 15.03.2000, the Commission approved a detailed questionnaire covering both the organised and unorganised sector. The questionnaire was circulated to over 1100 organisations / individuals for seeking their responses. The Commission has got a suitable software developed for feeding these responses with facility for retrieval of information subject-wise and question-wise.

### **Interface with Apex Organisations of Social Partners**

2.37 The Commission has interacted with various Central Trade Unions and Employers Organisations to know their views on the procedure the Commission ought to adopt and on several other matters concerning workers and the industry. The workers' organisations that appeared before the Commission are: Bhartiya Mazdoor Sangh, Indian National Trade Union Congress, Hind Mazdoor Sabha, United Trade Union Congress (Lenin Sarani) and National Front of Indian Trade Unions. From employers' organisations, the All India Organisation of Employers, Employers Federation of India, Standing Conference of Public Enterprises (SCOPE), Federation of Indian Chambers of Commerce & Industry, Council of Indian Employers, Laghu Udhog Bharati, Confederation of Indian Industry and Associated Chamber of Commerce & Industry have appeared before the Commission.

### **Oral Evidences**

2.38 The Commission has held meetings in 27 States and collected evidences from the organisations of workers and employees, non-government organisations, academicians, consumers organisations, labour laws practitioners and other eminent persons connected with the field of labour.

### **Discussions / Consultations with Various Government / International Organisation**

2.39 The Commission held a meeting with Regional Director, ILO, India Office and members of the multi-disciplinary team of ILO for South Asia. The Commission also held a series of discussions/consultations with various Govt. establishments like Chief Labour Commissioner (Central), State Labour Commissioners, Chief Inspectors of Factories, Director General, Mines Safety, Director

General, Factory Advice Service & Labour Institutes, officials of the Directorate General Labour Bureau, Central Board of Workers Education, Railway Board, Major Federations of Workmen of Railways, the officials of Ordnance Factories Board, officials of MES and Naval Headquarters, Members of Postal Board, officials of Central Provident Fund, ESIC, Export Promotion Councils, CPWD, Ports, etc.

### **Visit to Places of Employment in Unorganised Sector**

2.40 The Commission has visited various places of employment in unorganised sector having concentration of women and child labour like match and fire works unit in Sivakasi, coffee plantation in Chikmagalore (Karnataka), tea plantation in Hathikuli (Assam), fish processing units of Tamil Nadu and Kerala etc. to see the living and working conditions of workers.

### **Organisation and Participation in Seminars**

2.41 The Commission has organised through its Study Groups, and other academic institutions, seminars / national consultations on 'Women & Child Labour Issues', 'Social Security' and 'Contract Labour'. The Chairman, members and officials of the Commission as well as the Ministry have attended various seminars conducted by organisations which include Federation of Indian Chambers of Commerce and Industry, New Delhi; All India Organisation of Employers; Indian Chamber of Commerce, Kolkata; Federation of Labour Law Practitioners Associations of Maharashtra, Mumbai; Institute of Mines and Metal Workers Education, Puri; National Labour Laws Association, New Delhi; National Campaign Committee/ Nirman Mazdoor Panchayat, Chennai & Delhi; Social Security Association of India, New Delhi; Institute of Human

Development, New Delhi; National Institute of Personnel Management, Kerala Chapter, Cochin; Kerala Institute of Labour and Employment, Thiruvananthapuram; Institute of Applied Manpower Research, New Delhi; and Centre for Education and Communication, New Delhi. The deliberations at these Seminars range from issues such as labour law reforms, social security and protection for informal sector workers to social security for senior citizens, food security and child work in rural India, globalisation and employment, Bal Shram Mukti Utsav etc.

### **Interaction with Members of Parliament**

2.42 The Commission also held discussions with Members of Parliament represented on the Parliamentary Standing Committee on Labour & Welfare, the Parliamentary Consultative Committee of the Ministry of Labour and the leaders of different political parties in both the Houses of Parliament.

### **Visit Abroad**

2.43 The Commission had undertaken visits to China and Malaysia from 10th to 19th January, 2002 to have first hand information about the changes and implementation of labour laws and other schemes in these countries.

### **Term of the Commission**

2.44 The work of the Commission is presently at the crucial stage of compilation, consolidation and interpretation of various data. The Commission is studying the reports, evidences, memoranda given to them and the responses to the questionnaire etc. for formulating its views. The area of work of the Commission being very vast, the Commission may need to select a few more places, organize some more meetings / seminars and take additional evidences etc. The report of the Commission is expected by 15.4.2002.

Photo 5

