Chapter-II

ADMINISTRATIVE SET-UP OF SOCIAL SECURITY

Social security is an important welfare measure for working class. It helps labourers at the time of their illness, accidents, invalidity and other hardships of life. To run the social security and labour welfare schemes efficient machinery is needed because without any effective administrative set-up it is very hard to run all these schemes. Before independence, British Government was not much concerned to improve the conditions of workers. But after freedom, Indian Government did much for workers and efficient and effective administrative machinery has been set-up at central, state and even at district level.

After independence, the tempo of industrialization and labour welfare and industrial relations has become an important part of governmental policy. Factory organization needs as much attention as technical processes of production and the complicated methods of marketing. All policy and programmes are of a little use until we gear up the administrative machinery of country which is solely responsible for the successful implementation of any type of policies and programmes and labour welfare administration is no exception.1

Labour is an important subject to discuss because due to the industrialization, the problems of labour is increasing with a great speed. To tackle such problems an efficient administration is needed. Without any effective machinery it is very difficult to handle the problems and social security matters related to the working class.

Before discussing the labour administration it is necessary to understand the meaning of administration. Administration means to care for or to look after people and manage affairs.

Administration has been defined by the Webster New International Dictionary is “The persons who are collectively managing the institution, business or the like especially execution of laws and superintendence of public affairs.”

According to John A Vieg, “Administration is to determine action taken in pursuit of conscious purpose. It is a systematic ordering of affairs and calculated use
of resources aimed at making those things happen which we want to happen and simultaneously preventing developments that fail to square with our intentions. It is the marshalling of available labour and materials in order to gain that which is desired at the lowest cost in energy, time and money.”

Administration, as E.N. Gladden says, “is a long and slightly pompous word,” but it has a humble meaning.”

According to L.D. White, administration is “the direction, coordination and control of many persons to achieve some purpose or objective.”

Herbert A. Simon points out, “in its broadest sense, administration can be defined as the activities of groups cooperating to accomplish common goals.”

Marshall E. Dimock defined administration that, “it is concerned with ‘the what’ and ‘the how’ of the government. The ‘what’ is the subject matter, the technical knowledge of a field which enable administrator to perform his tasks. The ‘how’ is the technique of managements, the principles of success. Each is indispensable; together they form the synthesis called administration.”

Thus, it can be said that administration is the process and agency which is responsible for formulation, regulation and enforcement of laws. Administration is a group of people from upper to lower level which works to achieve decided goals. It is a cooperative human effort towards achieving some common goals so it is a goal-oriented, purposive, cooperative, and joint activity under taken by a group of people.

After defining the concept of administration it is necessary to discuss the meaning of labour administration.

The labour administration convention No. 150, 1978 of ILO defines ‘labour administration’ as “public administration activities in the field of labour policy.”

According to the same convention, the term ‘system of labour administration’ covers “all public administration bodies responsible for and/or engaged in labour administration- whether they are ministerial departments or public agencies inducing parastatal and regional or local agencies, and any other form of decentralized administration and any institutional framework for the coordination of the activities of such bodies and for the consultation with and participation by employers and workers and their organizations.”
Labour administration involves “a coherent national labour policy; a co-ordinated system; a organization integrating the active participation of management and labour and their respective organizations, and appropriate human, financial and material resources for an effective and efficient service.”

From the above definitions of labour administration it can be concluded that it involves preparation, administration, co-ordination, checking and review of labour policies and programmes, preparation and enforcement of labour laws and regulation and establishment and enforcement of standards in the field of labour. A paramount feature of labour administration is the involvement of employers’ and workers organizations in various areas and at various levels of labour administration.

EVALUATION OF MACHINERY FOR LABOUR ADMINISTRATION

In India, till the end of the First World War, labour problems had acquired neither vastness nor complexity to warrant any serious attention on the part of both the central and provincial governments. Prior to 1919 a few labour legislations were in force i.e. Fatal Accident Act, 1885; Merchant Shipping Act, 1859; Factory Act, 1888 and 1911; Mines Act, 1901. Most of these Acts were administered by magistrate. The distribution of the powers was governed by the Regulating Act, 1773; Pitt’s India Act, 1784 and various Charter Acts. It was only 1920, when that the special post of Labour Commissioners were created in Madras and Bengal. In 1921, Government of Bombay also followed to suit by setting up a Labour Commissioner’s office. In 1920, the Central Government also set up the Labour Bureau with a view to promote certain co-ordination between the centre and provinces. But the Bureau could only function for a short period of three years and was ultimately abolished in 1923.

The labour problems were in jurisdiction of Central Government but it was dealt with by the Department of Industries and Labour. This Department was in charge of Governor General’s Executive Council and its administrative head was Secretary of the Government. Labour administration was not so strong at Central level as well as at province level. Its responsibility was on the shoulders of provincial government. In 1929, Royal Commission on Labour was appointed and its recommendations were accepted by government and labour machinery became strong and it is improving till now. Government of India Act, 1935 played a considerable role in labour administration and Labour Commissioners had been appointed in many
provinces. In 1946, India started five years programmes in which a lot of steps had been taken to strengthen the labour administration. Today Labour Ministry, at central level, is engaged in enactment of labour legislations, whereas, the implementation responsibility is on the shoulders of Labour Departments at state level and such departments has full-fledged machinery to enforce these laws at every level.

CENTRAL MACHINERY

In India, Central Government is mainly responsible to enact various legislations for labour regarding all those subjects falling in union list. The activities of the Ministry about the concurrent subjects cover, policy laying, co-ordination making, control and directions. To fulfil all these responsibilities Labour Ministry has attached offices, subordinate offices, adjudicating bodies, autonomous organizations and arbitration body.

Chart 2.1

Under the Constitution of India, Labour is a subject in Concurrent list where both the Central and State Governments are competent to enact legislations, subject to certain matters being reserved for them.
The Chart 2.1 presents the organizational set-up of the Ministry of Labour and Employment. The Ministry presently has the main Ministry (Secretariat), four attached offices, ten subordinate offices, four autonomous organizations, twenty two adjudicating bodies and one arbitration body.

THE MAIN MINISTRY (SECRETARIAT)

The main Ministry of Labour (Secretariat) is the middle point for consideration and decision of all the questions relating to labour so far as the Government of India is concerned. It is the neutral administrative machinery “for the formulation of labour policy, enforcement of labour laws and for the promotion of labour welfare.”¹¹ All the organizations and agencies involved in labour administration at the centre or in the states are guided, controlled and co-ordinate by it. The Government of India Allocation of Business rules have laid down in detail the specific subjects included. (i) labour policy including wage policy and legislation ; (ii) safety, health and welfare of labour; (iii) social security for labour, (iv) policy relating to special target groups such as women of labour laws in the central sphere; (vii) adjudication of industrial disputes through central government, Industrial Tribunals, Labour Courts and National Industrial Tribunal; (vii) workers’ education; (viii) labour and employment statistics; (ix) emigration labour for employment training abroad; (x) employment services and vocational training; (xi) administration of central labour and employment services and (xii) international co-operation in matters relating to labour and employment. Thus all the important subjects related to working class are dealt with the Ministry of Labour.

ATTACHED OFFICES

The four offices attached to the Ministry of Labour are:

Directorate General of Employment & Training

The headquarter of this organization is located in New Delhi headed by the Director General, Employment and Training. This office is responsible for laying down the policies, standards and norms for the vocational training in the country and also for coordinating employment services.¹² They are operated through a countywide network of employment exchange and other specialized institutions both at the central and states level.
Office of Chief Labour Commissioner (Central)

The headquarter of this organization is situated in New Delhi, headed by Chief Labour Commissioner. He is assisted by Joint Chief Labour Commissioner a Chief Advisor (Labour Welfare), a Director Training and a few Deputy Chief Labour Commissioners, Regional Labour Commissioners, Assistant Labour Commissioners and Labour Enforcement Officers at the headquarter and a lot of field staff. The organization of Chief Labour Commissioner is also called as Central Industrial Relations Machinery (CIRM).

This office is responsible for prevention and settlement of industrial disputes, implementation of labour laws in industries, verification of membership of trade unions affiliated to central organization, revision of wages, enforcement and settlement of awards and investigation into branches of code of discipline.

Directorate General of Factory Advice Service and Labour Institute

The headquarter of this organization is located in Mumbai and it works as technical arm of the Ministry about safety, health, and welfare of the workers. This directorate is concerned with formulation of policy relating to the safety, health and welfare of workers in factories and docks. It also undertakes research in industrial safety, occupational health, industrial psychology and industrial physiology. It implements the provisions of the Factory Act 1948 and Dock Workers (Safety, Health and Welfare) Act, 1986. It also conducts various diploma and certificate courses about industrial safety, health and welfare.

Labour Bureau

The Labour Bureau is situated at Shimla and Chandigarh. This bureau is responsible for collection and publication of statistical and other information related to employment, wages, earnings, industrial relation, working conditions etc. This bureau also publishes the Consumer Price Index and brings out regular publication of Indian Labour Journal (Monthly), Indian Labour Year Book and pocketbook of Labour Statistics.
SUBORDINATE OFFICES

Ten subordinate offices work under the Labour Ministry.

Directorate General of Mines Safety

This office is located in Dhanbad and it checks the provisions of Mines Act, 1952 to know that these provisions are being implemented or not in mines. Another to this Act, it also enforces the Indian Electricity Act, 1910 and Maternity Benefit Act, 1961 in mines.

Welfare Commissioners

The rest nine offices are related to the welfare. These offices work under Welfare Commissioners and situated in Allahabad, Banglore, Bhiwani, Bhubneshwar, Kolkata, Hyderabad, Jabalpur, Karma and Nagpur. They are responsible for the welfare facilities to the workers of mica, limestone, dolomite, beedi and cinema industries. Welfare Commissioners formulate and implement the various schemes for the welfare of coalmine workers such as housing, medical facilities, water supply and so on.13

AUTONOMOUS ORGANIZATIONS

Labour Ministry has four autonomous organizations to handle the various matters.

Employees’ State Insurance Corporation (ESIC)

The corporation is a statutory body and its headquarter is located in New Delhi. It is headed by a Director General. The Corporation is responsible for the implementation of the Employees’ State Insurance Act, 1948. This Act provides the medical benefit to insured workers and their families and also gives maternity benefit, dependent benefit, sickness benefit and compensation for industrial injury. All these benefits are administered by the Corporation with the help of a Standing Committee and a Medical Benefit Council.

Employees’ Provident Fund Organization (EPFO)

The headquarter of the EPFO is in New Delhi and Central Provident Fund Commissioner is the Chief Executive Officer of the organization. The organization is responsible for the administration of Employees’ Provident Funds and Miscellaneous
Provisions Act, 1952. It also administers the Employees’ Pension Scheme, 1995 and Employees’ Deposit Linked Insurance Scheme, 1976 operate under the Act. The organization has a number of regional and other offices to handle the work at local level.

**V.V. Giri National Labour Institute (VVGNLI)**

The institute with its headquarter at Noida (U.P.), is registered society, which conducts action oriented research and provides training to the workers. This institute is governed by a General Council and the Labour Minister is ex-officio Chairman of it. To handle day-to-day work an Executive Council also in force.

Research occupies a primary place in the activities of the institution. The subject of research comprises a broad spectrum of labour related problems in both organized and unorganized sectors.\(^{14}\)

**Central Board for Workers’ Education (CBWE)**

The CBWE was set up in 1958 as a tripartite society in the Ministry of Labour and its headquarter is situated in Nagpur. This Board deals with schemes for workers’ training and do the work for the awareness of workers about their rights, duties and responsibilities. The Board also undertakes the programmes for rural workers’ education. Most of the programmes of the Board are conducted by regional and sub-regional centres working throughout the country.

**ADJUDICATING BODIES**

**Central Government Industrial Tribunals-cum-Labour Courts (CGITS)**

There are twenty two industrial Tribunal-cum-Labour Courts. These all have been set-up under the Industrial Dispute Act, 1947. These Tribunals and Courts work under Central Government and solve the problems and disputes of industries.

**ARBITRATION BODY**

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

This Board is set-up under the scheme for Joint Consultative Machinery in 1968. This Board is a compulsory arbitration institution of disputes between employees and government. It has a full time Chairman who is assisted by the other staff to handle the matters relating to pay and allowances, working hours etc.
ADMINISTRATION OF SOCIAL SECURITY ACTS

Social security is such a type of help which ensures a person that he will surely get assistance at the time of his illness, injury, old age, invalidity and even after his death. But this social security only covers the workers who are working in organized sector but a large proportion of workers of unorganized sector yet to be covered. However, a few schemes are working for unorganized workers but they are not enough. The social security schemes are run by joint efforts of employees, employers and government. There are a lot of social security laws which are working in industries. The various Social Security Acts and their administrative machinery is as follow:

Employees’ Provident Funds and Miscellaneous Provisions Act, 1952

The Employees’ Provident Fund Act is enacted for social security of workers. This Act provides retirement benefits to the workers. It provides monetary help to the workers and their family at the time of crisis. Now, the following three schemes are working under the Act

(i) Employees’ Provident Funds Scheme, 1952;
(ii) Employees’ Deposit Linked Insurance Scheme, 1976;
(iii) Employees’ Pension Scheme, 1995.

The Employees’ Provident Fund Act, 1952 is administered by the Employees’ Provident Fund Organization (EPFO). This organization looks after all the working, investment, implementation of the Act in various establishments.

Employees’ State Insurance Act, 1948

This Act provides for health care and cash benefit payments in the case of sickness, maternity and employment injury. The ESI scheme is administered by a statutory body, called the Employees’ State Insurance Corporation (ESIC). All employers, employees, central and state governments, and medical professional and parliament representatives are the members of the ESIC. The Union Minister of Labour and Employment is the chairman of the body. There is a Standing Committee of the Corporation. The Director General is a Chief Executive Officer of the Corporation. Its headquarter is situated in New Delhi and it has a large number of
field offices. A lot of employees and officers do the work at different level in the Corporation to run it effectively.

**Payment of Gratuity Act, 1972**

The Payment of Gratuity Act provides the benefits to the employees after their retirement. This Act is applicable to all workers engaged in factories, mines, plantations, ports, railways, educational institutions and other establishments. This Act is enforced by the central and state governments jointly. Both has right to appoint a controlling authority for the administration of the Act. The government is enable to appoint the various area inspectors to find out, that the provisions of the Act are being completed or not.

**Maternity Benefit Act, 1961**

This Act is specially made for the working women. It provides them benefits and medical care at the time of their pregnancy. According to this Act, no employer can force any woman worker for work when she is pregnant. The Maternity Benefit Act provides them leave with pay. It enables them to get 12 weeks leave, 6 weeks before the birth of child and 6 weeks after the birth of child.

**Workmen’s Compensation Act, 1923**

This Act is mainly to provide the compensation to workers for industrial injury, accidents and any mishappening at the time of work. All the workers, who are working in any hazardous job are able to get the benefits of the Act. The state governments have power to extend the scope of the Act to any class of workers’. The state government administer the provisions of this Act through the Commissioners appointed for specified areas. The state government also make rules for ensuring that the provisions for the Act are being implemented or not.

**STATE MACHINERY**

State government works as principal or chief agency for the implementation of labour laws, it establishes enforcement machinery for the execution of legislations. Central Government gives directions, delegate powers and imposes duties on State Governments. Some of the labour laws are implemented by both central and state government however, many of them are purely under the jurisdiction of the state
The headquarter of Labour Department, Haryana is situated in Chandigarh which works with the help of district machinery.

Chart 2.2

**ORGANIZATIONAL STRUCTURE OF DEPARTMENT OF LABOUR (Haryana)**

- Labour Minister
  - Financial Commissioner & Principal Secretary
    - Special Secretary
    - Labour Commissioner
      - Additional Labour Commissioner
      - Additional Labour Commissioner
        - Joint Labour Commissioner
        - Deputy Labour Commissioner-I
        - DLC-II
        - LWO
        - SO
        - Editor

DEPARTMENT OF LABOUR, HARYANA

Department of Labour, Haryana came into existence in November 1966 when Haryana became an independent state. Its administrative structure is similar to the Punjab Labour Department. It works on a three level structure i.e. political level, secretariat level and the directorate level. These three tires depend on each other. One of the state ministers is the political head of the Labour Department, secretariat is handled by a secretary of Haryana government and directorate is in charge of Labour Commissioner. To help them a lot of field offices, advisory committees and labour welfare boards have been constituted time-to-time. They gives many suggestions to tackle the problems of labour.
The Political Head

At the top a minister heads the Labour Department. He is the political head of the Labour Department and state government appoints him. He is responsible for policy making and their implementation for working class. He handles all the problems related to workers of state. Because state government appoints him as a Minister so he has to be responsible for state legislature and he can ask questions to him about the working of the Labour Department. He acts as representative of state government when the national level meetings and conferences are held. He discusses the conditions and problems of state Labour Department in the meetings. He acts as chairman of Building and Other Construction Workers Welfare Board, State Advisory Contract Labour Boards, Labour Welfare Board. Some other Boards and Committees are also working in chairmanship of Labour Minister. He did all the supervisory work of Labour Department and visits time-to-time at headquarter as well as at field level to know the problems and try to shot out the problems of officers and workers.

The Secretariat Level

At the secretarial level the Labour Department is headed by a secretary. He is an I.A.S. officer. He can be called Financial Commissioner or Principal Secretary. He performs all the main duties of secretariat level. To assist him a lot of officers and
ministerial staff work. One special secretary, one Joint Secretary or Deputy Secretary and one Office Superintendent help Secretary of Labour Department, Haryana to perform his duties efficiently. Being a administrative head of the Labour Department he look after all the work of Labour Department, coordinates the activities and exercise control over the department. He supervises the work done by the department with his efficient staff. He also represents inter-ministerial meetings and inform State Labour Minister about important things which is going on in Labour Department. He is considered as second authority after the Labour Minister.

The Directorate of Labour

The Directorate of Labour is headed by Labour Commissioner. Presently in 2008, the head of the directorate of Labour Department, Haryana is Sh. N.C. Vadhwa who is an I.A.S officer. The Labour Commissioner, has to perform a lot of duties and responsibility. He acts as: Chief Inspector of Factory Under Factory Act, 1948; Registrar under Trade Union Act, 1926; Authority under Statistics Collection Act, 1953, Registering and Licensing Officer under Contact Labour Regulation & Abolition Act, 1970; Conciliation Officer under Industrial Dispute Act, 1947. In addition to these duties, he also works as an Inspector under Payment of Wages Act, 1936; Minimum Wages Act, 1948; Inter State Migrant Act; Working of Journalists Act; Sales Promotion Employees’ Act, Industrial Employment (Standing Orders) Act; National and Festival Holidays Act and Authority under Maternity Benefit Act, 1961. Apart, the above mentioned obligations Labour Commissioner too works as the head or member secretary of many Boards and Committees constituted for labourers and he is also chief editor and publisher for different magazines published by the Labour Department. Whole the state is the jurisdiction of him and he guides, controls and supervises all the functions, of the Labour Department.

The Directorate is responsible for the implementation of policies made at Secretariat level and help field staff for the better performance of their duties and responsibilities. Directorate helps secretariat in formulation of policies and then spreads these policies to all over the state. To ensure better performance, the Directorate conducts inspections time- to-time so that the proper implementation of schemes, programmes, labour laws should take place. Directorate also help the regional offices in speedy disposal of cases about disputes and other welfare and
social security measures. It works as an authority of control and inspection for all the labour related affairs. It uses all the delegated powers of Labour Secretary. Thus, Directorate of Labour is a line agency which do the works for the implementation, and evaluation of labour policies, legislations and schemes formed for labour class. All the above mentioned duties indicate that Labour Commissioner heads the enforcement and implementation machinery of Labour Department. His job is very hard and full of various responsibilities. He has three year tenure to fulfil all the responsibilities but some time before completing his/or/her tenure he or she is transferred elsewhere so it becomes difficult to fulfil all the going-on plans or schemes of the department.

The Head office of Labour Department is situated in Chandigarh. In the head office there is a lot of staff to help Labour Commissioner. To assist him there is one Additional Labour Commissioner, one Joint Labour Commissioner-cum-Chief Conciliation Officer, two Deputy Labour Commissioners, one Editor, one Statistical Officer, one Deputy District Attorney, One Assistant District Attorney, one Superintendent, one Labour Inspector. Apart these officials, he is also assisted by the staff of Factory Wing, in the Factory Wing there are two Additional Directors, Industrial Safety and Health, two Joint Directors, Industrial Safety and Health, who help Labour Commissioner to ensure safety and health in Industries.

**Additional Labour Commissioner/Joint Labour Commissioner**

Additional Labour Commissioner is also a Chief Conciliation Officer under Industrial Dispute Act, 1947 besides assisting Labour Commissioner, he handles all the disputes of employees and employers. Deputy Labour Commissioner solves the problems of child labour and take action against those employers who keep on work the below age children mentioned in Child Labour (Prohibition & Regulation) Act, 1886 and also has authority under Bonded Labour (Abolition) Act to constitute the Vigilance Committees against bonded labour. He also supervises the work done by Labour-cum-Conciliation Officers working at district level. He works to ensure that Labour-cum-Conciliation Officers and inspectors are working properly for the implementation of the various Acts and conducting regular inspections or not.

Field staff helps the headquarter staff to implement all the legislations, policy and welfare schemes. It includes one Additional Labour Commissioner, six Deputy
Labour Commissioners, one Joint Director, Industrial Safety and Health, Two Deputy Directors, Industrial Safety, six Deputy Directors Industrial Safety and Health, twenty Assistant Directors, Industrial Safety and Health, five Assistant Directors-cum-Certifying Surgeons, Industrial Safety, five Assistant Directors, Industrial Safety and Health (Chemicals), twenty seven Labour-cum-Conciliation Officers, two Welfare Officers (women), eighty seven Labour Inspectors.

Wings of Labour Department

Labour Department, Haryana has two wings

(i) Labour Wing

(ii) Factory Wing

Chart 2.4

ORGANIZATIONAL STRUCTURE OF THE WINGS OF THE LABOUR DEPARTMENT

(i) Labour Wing

Labour wing of Labour Department is very important and even vast in area also so it has been divided into a lot of branches for smooth working and its branches are as follow:
1. **Dispute Branch**

This branch is headed by Joint Labour Commissioner-I and to assist him there is an Editor, Law Officer, Head Assistant (Industrial Relations), Senior Scale Stenographer and Clerical Staff. This branch is established mainly to look after the implementation of Industrial Dispute Act, 1947 and the Scales Promotion Employees’ (Conditions of Service) Act. It also deals with the complaints of workers relating to illegal lay off, retrenchment and closures and prepares the weekly reports regarding strikes and lockouts etc. This branch works with the help of Labour-cum-Conciliation Officers and his field staff at district level. Dispute branch handles all the industrial disputes but in some cases if conciliation fails then these cases referred to the Labour Courts by this branch.

2. **Coordination and Miscellaneous Branch**

This Branch is also under the charge of Joint Labour Commissioner-I and he has other supportive and clerical staff to assist. This branch is assigned a lot of work. The main function of this branch is to coordinate the various inter-department and intra-department activities, to look after the human resource development programmes, skill development of labour officials, the work related to the Employees’ Provident Fund Organization, the work related to the ESI set up and coordination of the State Directorate with the ESIC, arrangement of state labour conference, redressal of problems relating to the brick kilns and stone crushers etc. Most of the Social Security Acts and the Industrial Employment (Standing Orders) Act, 1946 are under the charge of this branch.

3. **Publication Branch**

Joint Labour Commissioner-I has also the charge of this branch. To assist him there are Editor, Assistant (publication), steno-typist and cartographer. According to its name this branch do all the publication work of Labour Department. This branch also performs other administrative duties like publication of Haryana Labour Journal and other related matters, maintenance of labour news records, library maintenance and also look after the audit of accounts of publication material. The branch deals with two Acts named the Working Journalists and Other News Paper Employees and

4. **Legal Cell**

Legal cell is established mainly for the legal advice to the workers. This cell is also in charge of Joint Labour Commissioner-I however, Law Officer, Assistant (legal) and clerical staff support him to do work efficiently. All the duties assigned to this branch is of legal nature, mainly cell handles Legal Authority Act, 1987, compilation of important court judgments, monitoring of High Court cases. Except all these duties cell also amends the labour laws to make them more helpful for the workers.

5. **Registration and Licensing Branch**

This Branch of labour wing is handled by Joint Labour Commissioner-II who is assisted by Labour Inspector (Headquarter), Head Assistant (Industrial Relations), Stenotypist, Assistant (licensing) and other clerical staff. The matters related to the registration/de-registration of trade unions under the Trade Union Act, 1926; registration and licensing under the Motor Transport Workers’ Act, 1961 and registration and licensing under the Contract Labour (R&A) Act, 1970 are considered by this branch. Another to these duties, branch also have some responsibilities under the Payment of Wages Act, 1936; Minimum Wages Act, 1948; The Equal Remuneration Act, 1976 and Payment of Bonus Act, 1965. This branch also look after the workers participation in management that it is upto satisfaction or not.

6. **Welfare Branch**

Welfare branch is also headed by the Joint Labour-Commissioner-II. The branch has one Labour Inspector, one Head Assistant, one Steno Typist (Labour Welfare Board), one Assistant (welfare) and some other clerical staff. This branch mainly deals with the State Acts and monitors the progress of various programmes and schemes working under these Acts. If workers face any problem about welfare this branch ensures the proper implementation of the related Acts and tries to redress problems.
7. **Implementation Branch**

The Deputy Labour-Commissioner (Headquarter) is the incharge of implementation branch. To assist him there is a Statistical Officer, Head Assistant (Industrial Relations), Assistant (implementation), other clerical staff and the field staff. The main function of this branch is to check the implementation of awards, settlements, orders and to look after workers’ education schemes. The branch also handles the complaints regarding sexual harassment, matter related to the child labour, conducts survey about it and also tackles the problems of bounded labour.

8. **Statistical Branch**

Statistical branch is also in charge of Deputy Labour Commissioner who is supported by Statistical Officer, two Statistical Assistants, one Typist and other clerical staff. This branch mainly collects data about the different aspects of labour as, the number of retrenchment, lay-off, strikes, lock-outs. This branch also prepares the annual administrative report of the department which is one of the important duties of the branch.

9. **Establishment Branch**

Establishment branch is headed by a Deputy Labour Commissioner and to assist him there is a Superintendent, a Head Assistant, a Senior Scale Stenographer, Statistical Assistant, Senior Clerks and Typist. The matter related to appointment of officials/officers, promotion cases, disciplinary proceedings, complaints/ enquiries cases, transfers are dealt with by the branch. In addition to all these responsibilities, this branch also conducts the inspection of various offices.

10. **General Branch**

This branch has a Superintendent as inchage and a Head Assistant and other clerical staff to assist him to perform the various duties assigned to him. The branch mainly does the diary and dispatch work and also does maintenance of vehicles, telephones, computers, stationer articles and office buildings. All the infrastructure of Labour Department is looked after by this branch.
11. **Cashier Branch**

This branch handles all the bill work i.e. drawing and disbursing of various bills, maintenance of cash books and audit objections. The head of this branch is Accounts Officer and cashier, clerical and other staff help him to do work.

12. **Budget Branch**

Budget branch is one of the important branch of Labour Department which is headed by Accounts Officer. The branch has a Superintendent, a Assistant (Budget) and other IIIrd class employees to do all the work efficiently. The branch look after all the budgetary matters, monitoring of expenditure, matter related to the rent of buildings hired for various offices, reappropriation of accounts etc.

13. **Accounts Branch**

This branch is also chaired by the Accounts Officer who works with his supporting and other clerical staff. This branch handles all the accounts matter and presents these accounts before the head of this branch for approval and do the amendments if necessary. Mainly, the branch looks after the pay bills and T.A. bills of officials, non-officials and members of various committees and boards, completion of service books, pay fixations. Another to these responsibilities, one other work is also done by the branch which is look after into the matters of withdrawal from GPF accounts.

(ii) **Factory Wing**

Factory wing is mainly established to ensure the proper implementation of Factory Act 1948. It looks after the health and safety measures of workers. Labour Commissioner is chief inspector of factories and also acts as Director of Industrial Safety and Health. But in practice all the work of this wing is handled by Additional Director, Industrial Safety and Health. To help him there is two Joint Directors, Industrial Safety and Health and three Deputy Directors, Industrial Safety and Health and other supportive and clerical staff. The branches of factory wing are as follow:

1. **Factory Registration Branch**

This branch is headed by Additional Director, Industrial Safety and Health. This branch mainly looks after the safety and health measures in factory for the
workers. Another important duties of this branch are to do the registration of the factories, renewal of licences, conducts the surprise inspections. This branch also calls the seminars on industrial safety and health of workers to make them aware and conscious about their safety and health during work. Except to all these responsibilities, one another important Act related to the social security of female workers i.e. Maternity Benefit Act, 1961 is also in the area of this branch. All claims are handled by this branch under this Act.

2. Inspection and Fatal Accident Report Branch

This branch works in observation of Deputy Director, Industrial Safety and Health. This branch mainly regulates the inspection programmes of the field officers, monitors them and prepares the weekly inspection reports. If any problem comes in the way of inspection authority the branch solves it. It looks into the matters of fatal accidents and work related to the IT plans of Labour Department.

3. Factory Building Branch

This branch is also in observation of Additional Director, Industrial Safety and Health. The main responsibility of this branch is to give the approval of factory building plans. No factory building can be constructed without the permission of this branch and the branch also maintains the records of factory buildings plans.


In addition to all these branches, one common computer cell is established in factory wing of Labour Department to operate all the computer work. One programmer and two data entry operators are appointed to look after the work.

In this way both wings i.e. Labour Wing and Factory Wing are divided into many branches at headquarter level for efficient work. All the Labour Acts and matter related to labour welfare are distributed into the various branches and these branches do the work under their jurisdiction.

FIELD LEVEL

The main work of Labour Department is to understand the problems and needs of workers who work in various factories but the headquarter of Labour Department, Haryana is situated in Capital (Chandigarh) which is far away from the working area.
of labour class. So it becomes very difficult to run the labour policies, rules and regulations for the Labour Department at field level. Therefore, Labour Department has established its local units and district machinery to run the labour policy and to check the proper implementation of labour legislations. The ultimate responsibility is on the shoulders of field units and its staff.

The Regions and Circles

Similar to headquarter branches, Regions and Circles are found at field level. Labour Department has divided all the state in different regions and circles for the effective implementations of labour policy and welfare schemes. For the labour welfare Labour Department has been divided the state into Five regions i.e. Ambala, Panipat, Faridabad, Gurgaon, Hisar. Each region is incharge of Deputy Labour Commissioner (DLC). Two Labour Welfare Officers (Women) at Panipat and Faridabad has been appointed for their help. Ambala region covers Panchkula, Yamunanagar, I, II, Ambala, Kurukshetra, Kaithal districts in its jurisdiction area. Panipat region has Karnal, Panipat I, II, Sonepat, Rohtak, Jhajjar in its area. Hisar region spread over in Bhiwani, Jind, Hisar, Fatehabad, Sirsa districts. As about the area of Gurgaon region, it covers the Gurgaon I, II, III, IV, Rewari, Narnaul and remaining last region, Faridabad only covers Faridabad district which is in four parts I, II, III, IV. The Deputy Labour Commissioners work with the help of Labour-cum-Conciliation Officers and Labour Inspectors, other field level and clerical staff.
As about the regions of safety and health of workers, state has been divided in five regions i.e. Ambala, Panipat, Faridabad, Gurgaon, Hisar. Every region is headed
by Senior Assistant Director (Industrial Safety and Health) and he is assisted by Assistant Directors, Centifying Surgeons, Medical Officers and other supporting staff. Ambala region has Yamunanagar I, II, Kurukshetra and Ambala in its jurisdiction however, Panipat region includes Karnal, Panipat I, II, Sonipat, Rohtak district in its area. As regard, the Faridabad region it has Faridabad I, II, III, IV under its area. Gurgaon region covers Gurgaon I, II, III. Hisar region has its jurisdiction area spread throughout Bhiwani, Hisar, Sirsa districts. Remaining districts are under the control of headquarter. The regional officers visits regularly the circles and solve the problems of district officers.

Chart 2.6

ADMINISTRATIVE SET-UP OF THE INDUSTRIAL SAFETY AND HEALTH WING

ABBREVIATIONS:
ACIF: Additional Chief Inspector of Factories
SAD: Senior Assistant Director, IS&H
[ ]: Assistant Director, Chemical IS&H
CS: Centifying Surgeon

Special Secretary

Minister-in-Charge

FC & PSL

Director, IS&H and Chief Inspector of Factories

ACIF

Addl. Director

Dy. Director

Sr. Asstt. Director

Asstt. Director-I

Asstt. Director-II

FIELD

SAD Ambala

SAD Panipat

SAD Faridabad

SAD Gurgaon

SAD Hisar

CS Faridabad

CS Gurgaon

MEDICAL OFFICERS

Except Rohtak & Jhajjar Distt.

Except Karnal, Panipat, Sonipat Distt.
DISTRICT MACHINERY

District is the smallest unit of Labour Department and every district in India has labour unit which is headed by Labour-cum-Conciliation Officer and he is assisted by Labour Inspectors and clerical staff which includes, Assistant (Head Clerk), other clerks, stenographer and class IV employees. Labour-cum-Conciliation Officer handles a lot of Acts in his district and looks after that all the Acts are being implemented in his district property or not. He works as Commissioner under Workmen’s Compensation Act, 1923; Authority under Payment of Wages Act, 1936; Authority under Minimum Wages Act, 1948; Controlling Authority under Payment of Gratuity Act, 1972. He plays a vital role for conciliation under Industrial Dispute Act, 1947 and did a lot to handle the problems of the workers with his competent staff. Labour-cum-Conciliation Officer works as main labour inspector however, in every district there are many labour inspectors according to work load and these labour inspectors do constant inspections of the factories in their field and report about it to the Labour Officer. These labour inspectors act as backbone of Labour Department as they did actual field work to ensure the effective implementation of labour legislation and welfare schemes time to time.

Chart 2.7

ORGANIZATIONAL STRUCTURE OF THE DISTRICT MACHINERY

Labour-cum-Conciliation Officer

Labour Inspector

Assistant (Head Clerk)

Clerk

Stenographer

Forth class Employees

The staff position in selected district which is Yamunanagar shows that due to over work load in 2004, one more labour office was established in Jagadhari. Labour office Yamunanagar has one Labour-cum-Conciliation Officer, three Labour
Inspectors, one Assistant (head clerk), three Clerks, one Steno, four forth class employees i.e. two peons, one sweeper, one chonkidar. In this office of Yamunanagar before 2004 there were two posts of Labour Inspectors and after that one more post was constituted and till the sanctioned year it was laying vacant and as about the post of Assistant it was filled almost till 2004-2008. Out of three sanctioned posts of clerks one post was laying vacant during 2004-2006 and two was laying vacant since 2007 onward and as regarding stenographer it can be seen that it is laying vacant since a long period and same situation is of fourth class employees for maximum time these posts lay vacant.

As about the Jagadhari office there is one Labour-cum-Conciliation Officer, one Assistant, three Clerks, three Labour Inspectors, one Welfare Inspector and four fourth class employees. The staff position in this office did not change till it is established but presently in 2008, one post of Clerk, one post of Stenographer and one post of Labour Inspector is vacant. Under welfare scheme there is a centre of stitching and embroidery near the Jagadhari officer in which they trained the girls of factory workers’ for future earnings and there are two distinguish sanctioned post for this purpose and both are filled.

OTHER BODIES

Apart the Labour Department machinery, there are some relevant bodies i.e. in form of Boards, Committees, Councils which are working for the implementation of programmes, policies and schemes of Labour Department. These bodies play a vital role in giving right direction to labour welfare activities. These Boards, Committees and Councils are as follow:

1. **Building & Other Construction Workers Welfare Board (BOC)**

   The government of Haryana constituted Building & Other Construction Workers Welfare Board at November, 2006 to provide financial and medical facilities to the workers engaged in building and other construction activities. It provides them a kind of social security because they get serious injuries or accidents and even death during the work. BOC is a board which constituted first time by government of Haryana for the social security of unorganized sector. Building or construction owner contacts to that board for the registration of his construction work and provides one
per cent of his construction cost as cess to that board and also give the board the list of workers who will work on his construction but for the registration of workers board imposed some conditions which is:

- The age of worker should be upto 18-60.
- He/she has to work 90 days continuously.
- Worker himself or herself has to pay ₹ 25 registration fee and ₹ 5 per month membership fee to the Board.

**Resources of Board**

1. One per cent from building owner from the whole construction cost.
2. ₹ 25 registration fee from workers.
3. ₹ 5 per month membership fee from workers to continue his/her registration.

**Welfare Schemes of Board**

1. Jan Shree Bima Yojana which is associated with LIC and construction workers are insured under this scheme to get financial help during hazards of life.
2. They get ₹ 75,000 at accidental death, ₹ 37,500 during physical disability and ₹ 30,000 at normal death under this insurance.
3. Pension scheme is also started for workers’ and after the retirement workers’ will get ₹ 150 per month pension and family pension is also introduced, which is ₹ 100 per month.
4. Maternity Bonus is ₹ 1000 for women workers’ which they get at delivery time.
5. ₹ 5100 given as kanyadan at the time of worker’s daughter marriage and ₹ 2000 financial help at son’s marriage.
6. Scholarship for the children who are studying.
7. House loan upto ₹ 50,000 and tool’s lone upto ₹ 5,000.
8. Disability pension is also given to construction workers’ that is ₹ 150 to ₹ 5000 but it is based on the percentage of disability.
9. Funeral benefit of ₹ 1000 provided to worker’s family at the time of death. Except these schemes board is going to start some new schemes i.e.

- Health insurance plan will be started soon and under this plan workers will get a smart card which can be used in any hospital engaged with board. Worker himself and four other members of his family will be insured under this health plan to get medical facilities.
- Workers’ school-going children will be received books once and uniform twice in a year from the board.
- Free of cost crèches are going to start to take care for the little babies of women workers’ during the period they are doing work on construction.
- Mobile toilets system and mobile shops are going to start. Such type of shops will provide workers eatable and other useful things at reasonable rates.
- Sheads would also be constructed on labour chonks for workers.
- Historical visits will also be organized for the workers once in four years which will be financed by the board.

This board had the following membership

1. Labour Minister, Haryana Chairman
2. Labour Commissioner, Haryana Secretary
3. Additional Labour Commissioner Joint Secretary

In addition to these members, there are Appellate Authority, Cess Collectors, Assessing Officer, one Accounts Officer, one Accountant and other clerical staff to complete the work of the board. This board is a great initiative of Labour Department, Haryana for the unorganized workers of the construction to protect them from uncertain hardships of life.

**Haryana Safety Council**

Safety, health and welfare of workers is very important which is regulated through the implementation of the Factory Act, 1948. Though enforcement of legal provisions help in implementation of safety and health standards in factories but this is not adequate so a comprehensive approach to accident prevention required a
voluntary safety movement with full involvement of Factory Managements, Trade Unions, Workers and Government. Therefore, to fulfil this purpose an autonomous body under name of “Haryana Safety Council” was constituted in 1972. The council was registered as a society under the Societies Registration Act XXI of 1860 with registration No. 171 of 1971-72. Council is recently amended in 26 November 2006.

It is an independent, non-profit and non-political organization that works to provide safety measures to workers and spreads consciousness about the health and safety measures among them. It includes governmental officials, organizations of industrial employees & employers, educational, research and other institutions interested in safety and health of the workers, any other individual interested in such matters and honorary members. The executive committee of council is headed by Director of Industrial Safety and Health or Chief Inspector of factories (Labour Commissioner). The council performs its duties with the help of executive committee which is constituted from the council members. The term of executive committee is of two years or till then a new committee is elected. This committee do the day-to-day work of the council.

The affairs of the council is managed by the executive committee which consists of following members.

**Executed Members**

**Representatives of Member Industries**

<table>
<thead>
<tr>
<th></th>
<th>Representatives of member industries</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Trade union representatives</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Elected/co-opted member from industrial associations by the house</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>Executive Director elected from experts in industrial safety and health</td>
<td>1</td>
</tr>
</tbody>
</table>

**Official Members**

<table>
<thead>
<tr>
<th></th>
<th>Director, Industrial Safety and Health and Chief Inspector of Factories, Haryana</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Additional Director, Industrial Safety &amp; Health, Haryana</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
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<td></td>
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<td>---</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>3</td>
<td>Senior Assistant Director dealing with building and other construction safety</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Chief Inspector of boilers</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Chief Electrical Inspector</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Member-Secretary Haryana Pollution Control Board</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Director, Urban development (Nodel Department dealing with fire and safety) or his representative</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Regional Director, Central Workers’ Education Board</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Coordinantor, Oil Industry Safety Directorate</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Regional Director, ESI Corporation</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>Fire and General Insurance Sector</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>Director General, Factory Advice Service and Labour Institute of his representative</td>
<td>1</td>
</tr>
</tbody>
</table>

**Co-opted Member**

(i) Official 5

a All Dy. Directors, Industrial Safety & Health

c All Certifying Surgeons, Industrial Health

d All Asstt. Directors Industrial Safety & Health

e All Medical Officers, Industrial Health

(ii) Non-official 6

Six non-official members from special invitees are included in executive committee.

**State Advisory Contract Labour Board**

Haryana government is required to constitute a State Advisory Contract Labour Board to advice the state government on such matters arising out of the administration of Contract Labour (Regulation & Abolition) Act, 1970. This board also helps government to find out the appropriate solution of contract labour problems.
and suggests measures to abolish the contract labour. Labour Department also assigned it some duties regarding contract labour and board performs them with lot of concentration and dedication. This board was reconstituted in 7 September 2000 according to notification No. 12 (116) 78-2 of Labour and Employment Department and its term is of three year. Board is consisted of following members :

1. Labour Minister, Haryana Chairman
2. Labour Commissioner, Haryana, Member Secretary.
3. Chief Engineer, Public Works Department Member(PWD) Haryana Member
4. Two Representatives of Management Member
5. Two Representatives of Contractors Member
6. Five Representatives of Contractor’s Employees Member

**Labour Welfare Board**

Labour Welfare Board was established under Punjab Labour Welfare Fund Act, 1965 in 15 January 1970. The main responsibility of board is to run the labour welfare schemes introduced by Labour Department. These schemes have been started to provide more and more assistance to the workers and the board do the publicity of schemes throughout the state, make sure proper implementation of schemes and arrange finance to run the schemes smoothly. The main source of income is unpaid wages and contribution of employers and employees. Board is reconstituted time-to-time to make reliable for workers.

The main welfare schemes of board are as followed.

(i) It provides scholarship to the workers’ children to encourage them for study.

(ii) Board run eleven labour welfare centres in which training for some professional works is given to girls of industrial workers.

(iii) It provides financial help to the workers who met some mishappining during work and become disable.

(iv) Cash help is given to the worker’s family after his death.

(v) Board gives ₹ 5100 to workers daughter on her marriage as ‘Kanayadan’

The composition of Labour Welfare Board is as follow:

(i) Minister of State for Labour and Employment Chairman
(ii) Finance Commissioner and Principle Secretary,  
Labor and Employment Department.  
Vice Chairman  

(iii) Labour Commissioner, Haryana  
Secretary  

(iv) Director Employees’ State Insurance, Health Care,  
Haryana  
Member  

(v) Four representatives of employees  
Member  

(vi) Four representatives of employers  
Members  

The meeting of this board is held time-to-time to discuss about the labour welfare and to monitor the success of labour welfare schemes run by the board.

**Industrial Tribunals-cum-Labour Courts**

Every state is empowered to establish Industrial Courts/Industrial Tribunals to settle the disputes of workers and employers under section 7 of the Industrial Dispute Act, 1947. The Labour Courts are headed by only one person who is appointed by government who acts as presiding officer of the level of Additional District Judge and Session Judge. The principal function of this officer is to adjudicate upon industrial disputes referred to him by the government besides claims of the dues against employers submitted by the workers.

Haryana State has 9 Labour Courts and Industrial Tribunals located three at Faridabad, two Gurgaon and one at each Panipat, Rohtak, Ambala, and Hisar. These industrial courts and tribunals are in charge of presiding officers.

**Functions**

Function of Industrial Courts-cum-Tribunals are as follow:

1. Conciliation and settlement of industrial disputes, individual as well as collective referred to courts.
2. Adjudicate financial claims of workers lodged directly by them under section 33 C (2).
3. Check the illegality or legality of strikes, lockout, retrenchment, and closures etc.
Performance of Industrial Tribunals / Courts

The industrial disputes that could not be disposed of by Labour-cum-Conciliation Officer of Labour Department due to some reasons are referred to government with the failure reports and government referred such cases to Labour Tribunals/Courts for disposal and proper justice. These courts handles the cases efficiently. The cases referred to and disposed of by Industrial Tribunals/Courts from 2001 to 2006 under Industrial Dispute Act, 1947 are presented in table 2.1.

The Labour Tribunals/Courts had 17577 cases during 2001 and out of which 4050 (23.05 per cent) were disposed of and 13527 (76.95 per cent) were pending at the end of the years. As regard the year 2002 except, 13527 pending cases labour courts get 5871 new cases and had total 19398 cases. Out of which 3409 (17.57 per cent) cases were resolved and 15989 (82.43 per cent) were pending at the end of the year. During the years 2003, 2004, 2005 and 2006 the total number of cases were 20242, 19910, 18453 and 20987 respectively out of total number of cases referred to the courts 4148(20.09 per cent), 3851 (19.34 per cent), 2426 (13.14 per cent) and 6054 (28.84 per cent) were resolved respectively. On the whole it can be said the percentage of case disposal was very low during these years but in 2005 it was lowest. After 2001 the performance of courts was decreased till 2005 but suddenly in year 2006 performance become somehow better than the last years. It is very considerable issue to think about that if courts will delay the justice where will the workers go to solve their problems. The Labour Courts/Tribunals should fast the process of case resolving. The number of Labour Courts should be increased so that cases can handle fastly and justice can ensure for workers. Grievance redressal machinery should be strengthen at local level so that the burden of Labour Courts can be lesson.
Table 2.1
Case Referred and Disposed of by Industrial Tribunals-cum-Courts during 2001-2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Industrial Tribunals/Labour Courts</th>
<th>The Number of disputes pending at the beginning of the year</th>
<th>The number of dispute received during the year</th>
<th>Total number of cases</th>
<th>The number of disputes disposed of during the year</th>
<th>The number of dispute pending at the end of the year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>13784</td>
<td>3793</td>
<td>17577</td>
<td>4050</td>
<td>13527</td>
</tr>
<tr>
<td>2002</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>13527</td>
<td>5871</td>
<td>19398</td>
<td>3409</td>
<td>15989</td>
</tr>
<tr>
<td>2003</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>15989</td>
<td>4653</td>
<td>20642</td>
<td>4148</td>
<td>16494</td>
</tr>
<tr>
<td>2004</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>16494</td>
<td>3416</td>
<td>19910</td>
<td>3851</td>
<td>16059</td>
</tr>
<tr>
<td>2005</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>16059</td>
<td>2394</td>
<td>18453</td>
<td>2426</td>
<td>16027</td>
</tr>
<tr>
<td>2006</td>
<td>Industrial Tribunals-cum Labour Courts</td>
<td>16027</td>
<td>4960</td>
<td>20987</td>
<td>6054</td>
<td>15194</td>
</tr>
</tbody>
</table>

Source: Annual Report of the Department of Labour, Haryana.
REFERENCES


7. Article 1(a) of ILO Constitution.

8. Article 1(b) ILO Constitution.


13. Ibid., p. 546.

