

CHAPTER-3

MANUAL - 2

(Powers and duties of officers and employees)

Designation	Labour Commissioner, Punjab	
Powers	Administrative	Labour Commissioner Punjab is the supervisory head of the department and all the staff at the head office and at district level works under his supervision and control.
	Financial	The financial powers of Labour Commissioner are defined in Punjab Financial Rules Volume-1 (Chapter-19). However, powers of drawing and disbursing officer have been delegated to deputy controller(F&A) at the Headquarter for the Labour Wing and to Additional Director of Factories for the Factory Wing.
	Others	<ol style="list-style-type: none">i) Apart from this the Labour Commissioner has to perform various functions under various labour laws. He is inspector for the State of Punjab under various labour laws. Apart from this Labour Commissioner Punjab is the registrar of trade unions under the Trade Unions Act, 1926.ii) Certification of standing orders under the Industrial Employment Standing Orders Act, 1946.iii) Fixation/ Revision of minimum wages under Minimum Wages Act, 1948.iv) Grants permission for layoff/ retrenchment of workers in industrial establishments employing hundred or more workers.v) Grants permission for closure of industrial establishments employing hundred or more workers.vi) Appellate authority under the Payment of Gratuity Act 1972.
Duties	The duty of Labour Commissioner is to exercise his powers in a lawful manner	

Designation		Additional Labour Commissioner, Punjab
Powers	Administrative	He supervises the work of the officers and inspectors of the department under the overall control and the supervision of the Labour Commissioner Punjab. All the work of officers of the head quarters is routed through him.
	Financial	There is separate post of Deputy Controller Finance and Accounts to look after the financial matters
	Others	<p>Apart from this he performs certain independent functions such as:-</p> <ul style="list-style-type: none"> • Additional registrar of trade unions for the State of Punjab under the Trade Unions Act, 1926. • Certifying officer under the Industrial Employment (Standing Orders) Act, 1946. • Appellate authority under the Payment of Gratuity Act, 1972. • Additional Welfare Commissioner under the Punjab Labour Welfare Fund Act, 1965. • Inspector for the State of Punjab under various labour laws.
Duties	The duty of Additional Labour Commissioner is to exercise his powers in a lawful manner	

Designation		Deputy Labour Commissioner, Punjab
Powers	Administrative	<ul style="list-style-type: none"> • The Deputy Labour Commissioner works under the supervision control of Labour Commissioner Punjab. All his work is routed through Additional Labour Commissioner.
	Financial	There is separate post of Deputy Controller Finance and Accounts to look after the financial matters
	Others	<p>Apart from this he also performs following functions:-</p> <p>Certifying officer under the Industrial Employment (Standing Orders) Act, 1946.</p> <p>Inspector for the State of Punjab under various labour laws.</p> <p>He is also Appellate Authority under the Payment of Gratuity Act, 1972</p>
Duties	The duty of Deputy Labour Commissioner is to exercise his powers in a	

	lawful manner
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Designation		Assistant Labour Commissioner, Punjab (H.Q.)
Powers	Administrative	He works under overall supervision and control of Labour Commissioner Punjab. He looks after the functioning of general branch and establishment branch.
	Financial	There is separate post of Deputy Controller Finance and Accounts to look after the financial matters
	Others	<p>He also oversees the work relating to following Acts:-</p> <ul style="list-style-type: none"> • Workmen's Compensation Act, 1923; • Trade Unions Act, 1926; • Industrial Employment (Standing Orders) Act, 1946; • Industrial Disputes Act, 1947; • Motor Transport Workers Act, 1961; • Payment of Bonus Act, 1965; • Contract Labour (Regulation & Abolition) Act, 1970; • Inter-State Migrant Workmen (Conditions of Service & Misc. Provisions) Act, 1979; • Child Labour (Prohibition & Regulation) Act, 1986; • Building and Other Construction Workers Act, 1996; • Building and Other Construction Workers Cess Act, 1996 • Payment of Wages Act, 1936; • Minimum Wages Act, 1948; • Working Journalists Fixation of Pay Act, 1955; • Maternity Benefit Act, 1961; • Apprenticeship Act, 1961; • Bonded Labour System (Abolition) Act, 1976; • Equal Remuneration Act, 1976; • Sales Promotion Employees (Conditions of Service) Act, 1976; • Labour Laws (Exemption from furnishing Returns and Maintaining of Registers by Establishment) Act, 1988. • Legal Work • Other Miscellaneous Work.

Duties	The duty of Assistant Labour Commissioner is to exercise his powers in a lawful manner
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Designation	Deputy Controller Finance and Accounts	
Powers	Administrative	He is in-charge of the Accounts branch
	Financial	* Deputy Controller/ Chief Accounts Officer for the Labour Welfare Board; * Drawing and Disbursing Officer;
	Others	* Control of the staff vehicles of the department, their (maintenance of vehicles) administrative control of the drivers;
Duties	Accounts Work of the Labour Commissioner's Office; * Liaison with the Audit Parties; * Budget and Planning; * Proposals regarding cutting down of wasteful expenditure; * Such other work that may be assigned by the Labour Commissioner through a special or a general order; * Proposals regarding mobilisation of additional resources (in coordination with the departmental officer dealing with the relevant statute); * Local purchases (subject to Financial Rules), contingency, and control of store/inventory;	

Designation	Statistical Officer	
Powers	Administrative	He is in-charge of statistical branch
	Financial	There is separate post of Deputy Controller Finance and Accounts to look after the financial matters
	Others	
Duties	The Statistical Officers heads Statistical Branch of the department whose basic function is to maintain labour statistics. The work of this branch is being supervised by the Labour Commissioner through Additional Labour Commissioner. The function of this branch is :- <ul style="list-style-type: none"> • Maintenance of labour statistics; • Preparation of Annual Administration Report of the department; • Preparation of Annual Statistics required by the Director Labour Bureau, Ministry of Labour, Govt. of India under the following acts: (i) Factories Act, 1948 (ii) Payment of Wages Act, 1936 (iii) Minimum Wages Act, 1948 	

	<ul style="list-style-type: none"> (iv) Industrial Disputes Act, 1947 (v) Industrial Employment(Standing Orders) Act, 1946 <ul style="list-style-type: none"> • Preparation of monthly report on Industrial Disputes. • Preparation and submission of State's views on the implementation of rectified Conventions/recommendations. • Preparation and Submission of State's view in <ul style="list-style-type: none"> (i) Indian Labour Conference (ii) Labour Minister's Conference (iii) Standing Labour Committee (iv) Regional Labour Minister's Conference (v) Other Conferences and Seminars • Holding meeting of State Labour Advisory Board – a highest tripartite forum in the State • Publication of following booklets: <ul style="list-style-type: none"> (i) Pocket book on labour statistics (ii) Pocket book on fixation/revision of Minimum wages in the State (iii) Pocket book on notifications issued by the Govt. (iv) Publication of Citizen Charter • Priority Fixation/revision of Minimum Wages • Issuance of half yearly revision in Minimum Wages • Collection of primary labour statistics • Preparation of data relating to review meetings • Preparation of monthly statistics based on the monthly labour news
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Designation	Tehsildar (Recovery)	
Powers	Administrative	He supervises the work of staff under his control
	Financial	No financial powers
	Others	Assistant Collector First Grade under Punjab Land Revenue Act 1887
Duties	<p>The work of Tehsildar (Recovery) is supervised by the Labour Commissioner through Additional Labour Commissioner. He is to perform the following functions :-</p> <ul style="list-style-type: none"> • Assist the departmental officers who are assistant collector Gr.-I in effecting recovery under the land Revenue Act • Preparation of Monthly data regarding the recovery cases • Monitoring of complicated recovery cases 	

Designation	Assistant Labour Commissioners	
Powers	Administrative	He is head of office at the District level. In districts,

		where more than one circle exists, the senior most Assistant Labour Commissioner acts as Nodal Officer to deal with the district administration and coordinate with the Head Office on behalf of all the officers.
	Financial	He is the Drawing and Disbursing Officer
	Others	<p>He is also Conciliation Officer under the provisions of the Industrial Disputes Act, 1947. Maintaining industrial peace being the main function of the department, he tries to bring industrial harmony through tri-partite agreements between the employers and the employees.</p> <p>He performs quasi-judicial functions under various labour legislations. As such:-</p> <p>He is 'Commissioner' under the Workmen's Compensation Act, 1923 and decides claims regarding death/permanent and temporary disablements of workers in an accident arising out of and during the course of employment.</p> <p>He is 'Authority' under Payment of Wages Act, 1936, Minimum Wages Act, 1948 and Equal Remunerations Act, 1976 to decide claims regarding non-payment of wages, payment of less wages than fixed by the government under the Minimum Wages Act, 1948 and unequal wages for equal work without discrimination of sex.</p> <p>He is 'Controlling Authority under the Payment of Gratuity Act, 1976 to decide claims of employees regarding payment of gratuity arising out of death, retirement, superannuation and resignation from employment after rendering five or more years of service. However, in the case of death, the condition of five years does not apply.</p> <p>He is 'Registering and Licensing Officer' to issue Registration Certificates to the Principal Employers and Licenses to the Contractors under the provisions of the following Acts:-</p> <p>Contract Labour (Regulation & Abolition) Act, 1970 Motor Transport Workers Act, 1961; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1981; Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996.</p> <p>He is responsible for implementation of</p>

		<p>Awards/Orders of the Labour Courts and Industrial Tribunal and for recovery of any amount due as arrears of land revenue, he performs the duties of an Assistant Collector Grade-I under the Punjab Land Revenue Act, 1887 for the following Act:- Industrial Disputes Act, 1947; Payment of Gratuity Act, 1976 Payment of Bonus Act, 1965 Equal Remuneration Act, 1976; Punjab Labour Welfare Fund Act, 1965; Punjab Industrial Housing Act, 1956 The Working Journalists and other Newspaper Employees (Conditions of services) and Miscellaneous Provisions Act, 1955. He is competent authority under the provisions of Punjab Industrial Housing Act, 1956</p> <p>He is 'Inspector' under the following Act:- Punjab Shops & Commercial Establishments Act, 1958 Payment of Wages Act, 1936; Minimum Wages Act, 1948; Motor Transport Workers Act, 1961; The Factories Act, 1948; Maternity Benefit Act, 1961 The Payment of Bonus Act, 1965; Punjab Labour Welfare Fund Act, 1965; Contract Labour (Regulation & Abolition) Act, 1970; The Punjab Industrial Establishments (National and Festival Holidays, Casual and Sick Leave) Act, 1965; The Child Labour (Prohibition & Regulation) Act, 1986; The Interstate Migrant Workmen (Regulation of Employment and Conditions of services) Act, 1979; The Sales Promotion Employees (Conditions of Service) Act, 1976; Child Labour (Prohibition & Regulation) Act, 1986; Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.</p>
Duties		The duty of Assistant Labour Commissioner is to exercise his powers in a lawful manner

Designation		Labour-cum-Conciliation Officers
Powers	Administrative	Supervises the work of employees under his control
	Financial	Only those Labour-cum-Conciliation Officers exercise the powers of Drawing and Disbursing officer where no Assistant Labour Commissioner is posted.
	Others	<p>He is also Conciliation Officer under the provisions of the Industrial Disputes Act, 1947. Maintaining industrial peace being the main function of the department, he tries to bring industrial harmony through tri-partite agreements between the employers and the employees.</p> <p>He performs quasi-judicial functions under various labour legislations. As such:-</p> <p>He is 'Commissioner' under the Workmen's Compensation Act, 1923 and decides claims regarding death/permanent and temporary disablements of workers in an accident arising out of and during the course of employment.</p> <p>He is 'Authority' under Payment of Wages Act, 1936, Minimum Wages Act, 1948 and Equal Remunerations Act, 1976 to decide claims regarding non-payment of wages, payment of less wages than fixed by the government under the Minimum Wages Act, 1948 and unequal wages for equal work without discrimination of sex.</p> <p>He is 'Controlling Authority under the Payment of Gratuity Act, 1976 to decide claims of employees regarding payment of gratuity arising out of death, retirement, superannuation and resignation from employment after rendering five or more years of service. However, in the case of death, the condition of five years does not apply.</p> <p>He is 'Registering and Licensing Officer' to issue Registration Certificates to the Principal Employers and Licenses to the Contractors under the provisions of the following Acts:-</p> <p>Contract Labour (Regulation & Abolition) Act, 1970 Motor Transport Workers Act, 1961; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1981; Building and Other Constructions Workers</p>

		<p>(Regulation of Employment and Conditions of Service) Act, 1996.</p> <p>He is responsible for implementation of Awards/Orders of the Labour Courts and Industrial Tribunal and for recovery of any amount due as arrears of land revenue, he performs the duties of an Assistant Collector Grade-I under the Punjab land Revenue Act, 1887 for the following Act:-</p> <p>Industrial Disputes Act, 1947; Payment of Gratuity Act, 1976 Payment of Bonus Act, 1965 Equal Remuneration Act, 1976; Punjab Labour Welfare Fund Act, 1965; Punjab Industrial Housing Act, 1956 The Working Journalists and other Newspaper Employees (Conditions of services) and Miscellaneous Provisions act, 1955.</p> <p>He is competent authority under the provisions of Punjab Industrial Housing Act, 1956</p> <p>He is 'Inspector' under the following Act:-</p> <p>Punjab Shops & Commercial Establishments Act, 1958 Payment of Wages Act, 1936; Minimum Wages Act, 1948; Motor Transport Workers Act, 1961; The Factories Act, 1948; Maternity Benefit Act, 1961 The Payment of Bonus Act, 1965; Punjab Labour Welfare Fund Act, 1965; Contract Labour (Regulation & Abolition) Act, 1970; The Punjab Industrial Establishments (National and Festival Holidays, Casual and Sick Leave) Act, 1965; The Child labour (Prohibition & Regulation) Act, 1986; The Interstate Migrant Workmen (Regulation of Employment and Conditions of services) Act, 1979; The Sales Promotion Employees (Conditions of Service) Act, 1976; Child Labour (Prohibition & Regulation) Act, 1986; Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996.</p>
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Duties	The duty of Labour-cum-Conciliation Officer is to exercise his powers in a lawful manner	

Designation	Labour Inspector Grade-I/Labour Inspector Grade-II	
Powers	Administrative	He exercises control over subordinates in offices where posted away from the district Head Quarter
	Financial	He has no financial power
	Others	<p>He acts as 'Inspector' under the following Act:-</p> <p>Punjab Shops & Commercial Establishments Act, 1958 Payment of Wages Act, 1936; Minimum Wages Act, 1948; Motor Transport Workers Act, 1961; The Factories Act, 1948; Maternity Benefit Act, 1961 The Payment of Bonus Act, 1965; Punjab Labour Welfare Fund Act, 1965; Contract Labour (Regulation & Abolition) Act, 1970; The Punjab Industrial Establishments (National and Festival Holidays, Casual and Sick Leave) Act, 1965; The Child labour (Prohibition & Regulation) Act, 1986; The Interstate Migrant Workmen (Regulation of Employment and Conditions of services) Act, 1979; The Sales Promotion Employees (Conditions of Service) Act, 1976; Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996.</p> <p>The powers vested in the inspector under the above Acts are:</p> <p>An Inspector appointed under provisions of various labour laws generally exercises following powers:-</p> <p>(a) enter, at all reasonable hours, with such assistants (if any), being persons in the service of the or any local or other public authority, as he thinks fit, any premises or place where employees are</p>

		<p>employed, for the purpose of examination any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;</p> <p>b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an employee employed therein or an employee to who work is given out therein.</p> <p>c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other persons found in charge of the establishment or any premises connected therewith or any persons whom the Inspector has reasonable cause to believe to be or to have been an employee in the establishment;</p> <p>d) make copies of, or take extracts from any book, register or other document maintained in relation to the establishment;</p> <p>e) exercise such other powers as may be prescribed.</p> <p>Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860). [The details of powers in tabulation form – under various labour laws is at Annexure ‘E’]</p>
Duties	<p>He registers the shops and commercial establishments of his area and issues the registration certificates.</p> <p>He attends to the day-to-day complaints of the workers within his respective jurisdiction and tries to resolve the conflict between the employers and the workers;</p>	

Designation	Additional Director of Factories (HQ)	
Powers	Administrative	He supervises the work of the officers the factory wing under the overall control and the supervision of the

		Director of Factories, Punjab. All the work of officers of the head quarters is routed through him.
	Financial	Drawing and Disbursing Officer for Headquarters staff and work pertaining to stores and stationery.
	Others	<ul style="list-style-type: none"> i) All policy matters regarding registration, inspection, prosecution etc. and matters connected with establishment work, general administration. ii) Performance review, appraisal of the functioning of field staff of his zone. iii) Issue of exemption order under various provisions of Factories Act falling in the districts of his zone by Director of Factories. iv) Supervision of working of Industrial Hygiene Laboratory and monitoring of work environment as per Section 41F of the Factories Act, 1948. v) Approval of factory building plans for the factories by a committee at head quarters. vi) Surprise checks and inspections of the offices of the field staff in the districts of his zone. vii) Scrutiny of Inspection Reports of the field staff and issue of orders thereon in the districts of his zone. viii) Declaration of competent persons under the Factories Act for applications received for whole of the state. ix) Punjab Welfare Officers (Recruitment & Conditions of Service) Rules, 1952 – Welfare Officers/ Safety Officers in his zone.
Duties		<ul style="list-style-type: none"> x) Complaints from unions/ workers regarding the non-implementation of Factories Act falling in the districts of his zone. xi) Work connected with Punjab Industrial Safety Council. xii) Miscellaneous Complaints. xiii) Any other work allotted by the higher authority. xiv) Correspondence with Competent State Authority cum Site Appraisal Committee regarding hazardous industries pertaining to cases of Site Approval Committee. xv) Work relating to enforcement of provisions of new rules under E.P. Act any field staff and providing guidance to the managements and identification of MAH installation in his zone. xvi) Work relating to enforcement of rules regarding Major Accident Hazards installations (MAH Rules) and providing guidance to the

	field staff and the managements of his zone.
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Designation		Joint Director of Factories (HQ)
Powers	Administrative	He supervises the work of the officers the factory wing under the overall control and the supervision of the Director of Factories, Punjab.
	Financial	No financial powers
	Others	Scrutiny of Inspection Reports in his zone. i) Performance, review and appraisal of work of field staff in his zone. ii) Surprise check of Inspections in his zone. iii) Exemption orders under the various provisions of the Factories Act & Rules for the factories falling in his zone.
Duties	iv) Complaints from the unions/ workers regarding the non-implementation of Factories Act, 1948 falling in his zone. v) Scrutiny of fatal accident reports/ leakages of gases, fire and explosion. vi) Chief Inspector of Factories conferences. vii) Lok Sabha, Rajya Sabha, Assembly Questions and work relating to Parliamentary Committees. viii) Correspondence with Director General Factory Advice Service, Bombay and Regional Labour Institute, Kanpur and sending nominations of Officers for training through Additional Director of Factories/ Director of Factories. ix) Work relating to brick-kilns. x) ILO conventions and correspondence with ESI. xi) Amusement Parks and All Court cases work. xii) Recruitment of Welfare Officers/ Safety Officers by the factories falling in his zone. xiii) Correspondence with DGFASLI. xiv) Issue of exemption orders under various provisions of Factories Act & Rules of the factories falling in his zone by Director of Factories. xv) Approval of factory building plans of the factories being member of the committed (HQ). xvi) Work relating to enforcement of rules regarding Major Accident Hazardous installations (MAH Rules) and providing guidance to the field staff and the managements in his zone. xvii) Surprise checks and inspections of the offices of the field staff in the districts of his zone. xviii) Amendments in the Factories Act/ Rules.	

	<p>xix) Punjab State Safety Award Schemes, Kirt Shiromani and Kirt Veer Awards Scheme & celebrations of National Safety Day.</p> <p>xx) Work relating to Prime Minister Shram Award Scheme.</p> <p>xxi) Supervision regarding the abolition of Child Labour.</p> <p>xxii) Any other work allotted by the higher authorities.</p>
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Designation	Deputy Director of Factories/ Assistant Director of Factories (In Field)
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Powers	Administrative	He supervises the work of employees under his control
	Financial	He is Drawing and Disbursing Officer
	Others	He exercises powers of Inspector under the Factories Act 1948

Duties	<p>Registration of new factories under the Factories Act, 1948. Issuing of new licenses and their renewal every year.</p> <p>ii) Periodical inspections of the factories falling in their jurisdiction for violations found during the inspections, the defaulting managements are prosecuted and the convictions are made by the courts and fine is realized.</p> <p>iii) License fee is charged from the managements as prescribed in the schedule in Punjab Factory Rules, 1952.</p> <p>iv) The building plans of new/ existing factories are processed at their level and recommend to the Director of Factories, Punjab for approval.</p> <p>v) The enquiry of fatal/ serious accidents are investigated and enquiries reports sent to the Head office for scrutiny. Defaulting managements are prosecuted.</p> <p>vi) Complaints from unions/ workers regarding non-implementations of labour laws and Factories Rules, 1952 are processed.</p> <p>vii) Enquiry of fine/ explosion/ gas leakage incidents are carried out.</p> <p>viii) To sent the applications for Punjab State Safety Awards Scheme/ Kirt Shiromani/ Kirt Veer Award and Prime Minister Shram Award Scheme.</p> <p>ix) Enforcement of provisions of new rules under E.P. Act such as manufacturer, storage, handling of hazardous chemicals.</p> <p>x) Enforcement of new rules regarding Major Accidents Hazards Control in Chemical Industries;</p> <p>xi) Organizing Workshop, training programmes for industrial workers.</p>	
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Designation	Assistant Director of Factories (Chemicals)
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Powers	Administrative	He supervises the work of employees under his control
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	Financial	No financial powers
	Others	He exercises powers of Inspector under the Factories Act 1948
Duties	Applications received to set up new hazardous factories in the State are processed by them after visiting the site for submission of comments to the CSA-cum-SAC Committee. In addition to this they visit all MAH units and Hazardous units to conduct inspection under the Factories Act, 1948 – particularly from the chemical angle. They are also looking after the preparation/ approval of onsite/ off site emergency plans and safety audit of MAH units in the State.	

Designation	Assistant Director of Factories (Medical)	
Powers	Administrative	He supervises the work of employees under his control
	Financial	No financial powers
	Others	He exercises powers of Inspector under the Factories Act 1948
Duties	Three PCMS Doctors are on deputation from Health Department. They visit the factories where occupational diseases could cause to the workers and medical examination of the workers is done where ever needed. They advise blood samples and X-ray to the managements to ensure that the workers are free from occupational diseases. They are also exercising duties of Certifying Surgeon as per section 10 of the Factories Act, 1948.	