

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

STARRED QUESTION NO:470

ANSWERED ON:13.12.2010

PENDING LABOUR CASES

Pangi Shri Jayaram;Yadav Shri M. Anjan Kumar

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the number of labour courts and tribunals working in the country are adequate to take care of the labour disputes;
- (b) if so, the details thereof, State-wise alongwith the details of the cases pending in these courts for the last two years and the reasons for the delay in settlement;
- (c) the steps taken by the Government for the disposal of these cases expeditiously;
- (d) whether instances have been reported whereunder the orders of the tribunals are not being complied with by the employers; and
- (e) if so, the reaction of the Government thereto?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in Parts (a) to (e) in reply to Lok Sabha Starred Question No. 470 to be answered on 13.12.2010.

(a): As per the provisions of Industrial Disputes Act, 1947, Central Government has set up 22 Central Government Industrial Tribunals-cum-Labour Courts (CGIT-cum-LCs) in various states for resolution of industrial disputes arising in Central Sphere. However, the adequacy of CGIT-cum-LCs is being reassessed by the Government.

The details in respect of Labour Courts and Industrial Tribunals falling in the State Sphere are not maintained centrally.

(b): The details of these Central Government Industrial Tribunals-cum-Labour Courts and cases pending in them for the last two years is annexed. The reasons for delay in settlement of cases include:

- (i) Absence of affected parties at the time of hearing;
 - (ii) Seeking of frequent adjournments by the parties to file documents;
 - (iii) Parties approaching the High Courts or Supreme Court challenging orders of reference issued by the appropriate government as well as orders issued by the Tribunals on preliminary points;
 - (iv) Unwillingness of parties to come forward for getting their cases settled in Lok Adalats.
- (c): Following steps have been taken for expeditious disposal of cases in CGIT-cum-LCs:
- (i) A Scheme of Holding of Lok Adalats as an `Alternative Grievance Redressal Mechanism` for speedy disposal of Industrial disputes has been introduced;
 - (ii) A system of link officers amongst Presiding Officers has been introduced to ensure that the judicial work of the CGIT-cum-LCs does not suffer when the post of regular Presiding Officer is vacant due to administrative exigencies;
 - (iii) All vacancies of Presiding Officer in CGIT-cum-LCs, except one, have been filled up;
 - (iv) Presiding Officers of CGIT-cum-LCs have been advised to hold camp courts; and
 - (v) Conference of Presiding Officers is held from time to time to explore strategies for speedy and effective disposal of cases.

(d): Yes, Madam.

(e): Orders passed by the CGIT-cum-LCs are notified in the official gazette and are binding on the employers. In case an award is not

Implemented, the worker can approach the Labour Department of the appropriate Govt. for implementation of the Award. The implementing authority, after following due process of law, prosecutes the employers under section 29 of the Industrial Disputes Act, 1947 for not implementing the Award/Order of the CGIT-cum-LCs. Further, Section 11 of the Industrial Disputes Act, 1947 has recently been amended whereby every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decrees of a Civil Court under order 21 of the Code of Civil Procedure, 1908. Also, the Labour Court or Tribunal or National Tribunal shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it.