

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

UNSTARRED QUESTION NO:2002

ANSWERED ON:09.03.2015

LABOUR COURTS TRIBUNALS

Magantti Shri Venkateswara Rao;Patil Shri Bheemrao Baswanthrao;Patle Smt. Kamla Devi;Ramachandran Shri Krishnan
Narayanasamy

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/UT-wise along with 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 being taken by the Government to set up more such courts/tribunals for the disposal of these cases expeditiously;
- (d) whether instances have been reported where under 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 STATE (IC) FOR LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA)

(a): As per the provisions of Industrial Disputes Act, 1947, the 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. Out of these, two CGIT-cum-LCs at Mumbai and Kolkata also function as National Tribunal.

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

(b): The details of cases pending in Central Government Industrial Tribunals-cum-Labour Courts and National Tribunals for 2013-14 and 2014-15 are at Annexures I & II. The reasons for pendency 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 challenging orders of reference issued by the appropriate government as well as orders issued by the Tribunals on preliminary points;
- (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 made part of the adjudication system from XI Plan;
 - (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) Process of appointment to the Post of Presiding Officer is initiated in advance so that the successor to a serving presiding officer is selected by the time of completion of his tenure in a CGIT-cum-LC;
 - (iv) Presiding Officers of CGIT-cum-LCs have been advised to hold camp courts.

(d) & (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 Government 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 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 decree 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.