

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

STARRED QUESTION NO:85
ANSWERED ON:14.07.2014
LABOUR COURTS TRIBUNALS
Devi Smt. Rama

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

- (a) the number of Labour Courts/Tribunals set up for resolution of various labour disputes, State/UT-wise;
- (b) the number of cases pending with them for the last three years and the current year, and the reasons therefor, Court/Tribunal-wise;
- (c) whether the Government is aware that the orders passed by the Labour Courts/Tribunals are reportedly not being implemented by the employers;
- (d) if so, the details thereof including the machinery and monitoring mechanism put in place for ensuring compliance of the orders passed by the Labour Courts/Tribunals by the employers; and
- (e) the corrective steps taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF STEEL, MINES, LABOUR & EMPLOYMENT (SHRI NARENDRA SINGH TOMAR)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 85 TO BE ANSWERED ON 14.07.2014.

(a): As per the provisions of the 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. The State-wise details are at Annexure-I.

(b): The number of cases pending with them for the last three years and the current year are at Annexure- II. The reasons for pendency as reported by CGIT-cum-LCs include absence of affected parties at the time of hearing, seeking of frequent adjournments by the parties to file documents, 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 and unwillingness of parties to come forward for getting their cases settled in Lok Adalats.

(c) & (d): Orders passed by the CGIT-cum-LCs are notified in the official gazette and are binding on the employers. In majority of cases, the employers implement the orders of the Labour Courts/Tribunals. However, 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, can prosecute the employers under section 29 of the Industrial Disputes Act, 1947 for not implementing the Award/Order of the CGIT-cum-LCs.

(e): As a major step in order to speed up implementation of awards issued by Labour Courts/Tribunals, Sub Sections (9) and (10) were inserted in Section 11 of the Industrial Disputes Act, 1947 in 2010. As a consequence every award made by Labour Court or Tribunal is executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under Code of Civil Procedure, 1908.

This provision enables transmission of an award by the Labour Court or Tribunal to a Civil Court having jurisdiction and such Civil Court shall execute the award, as if it were a decree passed by it.