

## **R.M.M. Law College, Saharsa**

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**L.L.B Part- 3<sup>rd</sup>**

**Subject- Labour Law**

**Paper- 6<sup>th</sup>**

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**Topic- Discuss the duties of Conciliation officer.**

### **Who is Conciliation Officer?**

According to Section 4 of the Industrial Disputes Act, 1947 the appropriate Government may appoint one or more conciliation officers. A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period. Under Section 21 of the Indian Penal Code (IPC) a Conciliation officer shall be deemed to be a public servant. The Conciliation officer is empowered to exercise all quasi-judicial powers of a Civil Court under the Civil Procedure Code, 1908. (CPC)

He is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the labor department including three years of experience as Conciliation Officer.

### **Powers of Conciliation Officer**

The Powers and Procedure is laid down in Section 11 of the Industrial Dispute Act, 1947.

(i) Conciliation Officer for the purpose of inquiring into an existing apprehended Industrial Dispute is empowered, after giving the notice to enter the premises occupied by the Industrial establishment.

(ii) Conciliation Officer is also empowered to call for and inspect any document which he may

consider relevant to the dispute.

(iii) Conciliation Officer enjoys the same powers as are available to the civil Courts in respect of compelling the parties, to appear and produce all the relevant documents.

(iv) All Conciliation Officers are Public Servants within the meaning of Section 21 of the Indian Penal Code.

### **Duties of Conciliation officer**

The duties of the Conciliation Officers are prescribed under Section 12 of the Industrial Dispute Act 1947 which are as follows -

(1) Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under section 22 has been given, shall, hold conciliation proceedings in the prescribed manner.

(2) The conciliation officer shall, for the purpose of bringing about a settlement of the dispute without delay investigate the dispute and all matters affecting the merits and right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate Government or an officer authorised in this behalf by the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board, Labour Court, Tribunal or National Tribunal], it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(6) A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government. Provided that, subject to the approval of the conciliation officer, the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute.

### **Effects of Conciliation Proceedings**

Under Section 22 of the Act, the Strike and Lockout in a public utility service is prohibited during the conciliation proceedings. If a settlement is arrived at, he is required to send a report along with a copy of a memorandum of settlement signed by the parties to the appropriate government. If no settlement is arrived at between the parties the conciliation officer is required to send a full report to the appropriate government, giving all the circumstances relating to the dispute and the steps taken by him to resolve the dispute along with the reasons why the settlement could not be arrived at. Section 33 of the Act provides that during the pendency of Conciliation proceedings, no employer shall alter the conditions of service of a workman to his prejudice discharge or punish by dismissal any workman during above proceedings.

### **Board of Conciliation -**

According to Section 5 of the Industrial Disputes Act, 1947 the appropriate Government may as occasion arises by notification in the Official Gazette constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

### **Constitution of Board of Conciliation-**

A Board shall consist of a chairman and two or four other members, as the appropriate Government thinks fit. The chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party: Provided that, if any party fails to make a recommendation as aforesaid within the prescribed time, the appropriate Government shall appoint such persons as it thinks fit to represent that party.

**The End**