

R.M.M. Law College, Saharsa

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L.L.B Part- 3rd

Subject- Labour Law

Paper- 6th

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Topic- Discuss the Constitution, Jurisdiction, Power and Function of the labour court.

Constitution-

The Constitution is the supreme law of the land. It lays down the framework to make laws, govern the country, establish a structure of policies, procedures, powers and duties of the Union and State governments. It states out the Fundamental Rights, Directive Principles and Duties of citizens.

Jurisdiction-

Jurisdiction, in law, the authority of a court to hear and determine cases. This authority is constitutionally based. Examples of judicial jurisdiction are: appellate jurisdiction, in which a superior court has power to correct legal errors made in a lower court; concurrent jurisdiction, in which a suit might be brought to any of two or more courts; and federal jurisdiction (as opposed, for example, to state jurisdiction). A court may also have authority to operate within a certain territory.

Powers of labour court.-

i. To Grant Relief-

Labour court can grant full and final relief to the aggrieved party.

ii. To Grant interim Relief-

Labour court is also competent to grant ad-interim relief under its inherent powers.

iii. To grant Adjournment-

Labour court has the power to grant adjournments if just cause to shown.

iv. To enforce attendance of any Person-

Labour court can enforce the attendance of any person which is necessary for deciding the matter before it and this it can done so by issuing summons, proclamation etc.

v. Power to Examiner-

Labour court can examine any person on oath.

vi. To compel Production of Documents etc-

Labour court can compel the production of documents and material objects, necessary for deciding the matter in questions.

vii. To issue commissions-

Labour court has the power to issue commissions for the examination of witnesses or documents.

viii. Ex-part Proceedings-

Labour court has the power to proceeding ex-parte, where the party failed to appear before it.

ix. To determine Grievance of workmen-

Labour court may determine the grievance of workmen and in doing so, it shall go into all the fact of the case and pass such order as may be just and proper in the circumstances of the case.

Functions of the Labour Court:

The functions of the Labor Court are laid down in Section 7 of the Industrial Dispute Act, 1947.

(I) Adjudicating upon industrial dispute specified in the second schedule of the said Act; are as follows

(1) The propriety or legality of any order passed by an employer under the standing orders;

(2) The application and interpretation of the Standing Orders

(3) Discharge or dismissal of the workman including reinstatement of, or grant of relief to, the workman wrongfully dismissed;

(4) Withdrawal of any customary concession or privilege

(5) Illegality or otherwise of a strike or Lockout; and

(6) All matters other than those specified in the Third Schedule which fall within the jurisdiction of Industrial Tribunal.

(II) Performing such other functions as may be assigned to it under the Industrial Dispute Act, 1947

The Other matters assignable on the Labor Court are:

(1) Voluntarily reference of dispute by written agreements between the parties under Section 10A;

(2). Arbitration reference under Section 10A;

(3) Permission to or approval of the action of discharge under Section 33;

(4) Complaint by the aggrieved employees under Section 33A;

(5) Application under Section 33(c)2A for the computation of any money or any benefit which is capable of being computed in the terms of money.

(6) Reference of awards or settlement for the interpretation in case of difficulty or doubt under Section 36AA

The End