

R.M.M. Law College, Saharsa

Pt. Lecturer- KESHAV KUMAR SHRIVASTAVA

L.L.B Part- 3rd

Subject- Labour Law

Paper- 6th

Date- 13/11/2020

Topic- Define and Explain the constitution and duties, features and need of Works committee.

Constitution

A **constitution** is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organisation or other type of entity and commonly determine how that entity is to be governed.

When these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are encompassed in a single comprehensive document, it is said to embody a codified constitution. Some constitutions (such as that of the United Kingdom) are uncodified, but written in numerous fundamental Acts of a legislature, court cases or treaties.

Constitutions concern different levels of organizations, from sovereign countries to companies and unincorporated associations. A treaty which establishes an international organization is also its constitution, in that it would define how that organization is constituted. Within states, a constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom. Some constitutions, especially codified constitutions, also act as limiters of state power, by establishing lines which a state's rulers cannot cross, such as fundamental rights.

What is the Works Committee?

According to the Industrial Disputes Act of India, every employer should form a works committee if they have more than 100 employees in the organization.

The works committee members should be comprised of equal number of workmen (employees) and individuals representing employers.

The employer should select the employees in consultation with the Union (if already formed in the organization).

The Act stipulates:

In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment so however that the number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926 (16 of 1926).

The Need for Works Committee Procedure

The need for the works committee procedure is to reduce the material differences between both parties.

This committee looks after maintaining a healthy relationship between the employer and the employees through the collective efforts of both parties. It also aims at improving industrial peace and works on matters involving general peace and work-related issues.

Features of Works Committee

In this section, we will discuss some of the common features of the works committee procedure that will help you constitute a committee.

1. The number of members in the committee should be fixed and not more than 20. Here, it is also specified that the members of employers should not be more than members of employees.
2. The representatives from the employer's side should be selected with the consent of the employer and these people should be associated with the organization directly.
3. Before the formation of the works committee, the employer should inform the union if they have one. Further, during elections, two groups should be formed: one of the union members who want to be a part of the committee and other non-union members.
4. The candidates added to the committee should have worked with the company for at least 1 year and should have attained a minimum age of 19 years.
5. The voters who are voting for committee members should be at least 18 years of age and must have worked in the company for atleast 6 months.
6. The Central Government or the equivalent authority holds the right to dissolve this committee if they feel it is not constituted as per the guidelines.

Duties and Functions of the Works Committee

It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavor to compose any material difference of opinion in respect of such matters.

Dealing with the scope of functioning of the Works committees, it was held in Kemp and Co. Ltd Vs. Their workmen (1955) L.L.J. 48 (L.A.T) that the Institution of works committee has been provided in the rules passed under the Industrial Dispute Act in order to look after the interest of the workmen. They are normally concerned with the problems arising in the day to day working of the grievance of the employees and to arrive at some agreement also. But the functions and the responsibility of the Works Committee as their very nomenclature indicates cannot go beyond the recommendations and as such, they are no more or less bodies who in the first instance endeavor to compose the differences and the final decisions rests with the union as the whole.

The End