

R.M.M. Law College, Saharsa

Pt. Lecturer- KESHAV KUMAR SHRIVASTAVA

L.L.B Part- 3rd

Subject- Labour Law

Paper- 6th

Date- 28/11/2020

Topic- Who is Concillation officer? Critically examine the functions of a Concillation officer. Who is empowered to appoint a Concillation officer? What is the difference between Court and Tribunal.

Concillation officer

For promoting and settlement of industrial disputes the appropriate Government may by notification in the Official Gazette, appoint such number of conciliation officer as it thinks fit. The main objective of appointing conciliation officer is to create congenial atmosphere within the industry and reconcile the disputes of the workers and the employers. He 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.

Functions of a Concillation officer

The duty of the conciliation officer is not judicial but administrative. He has to hold conciliation proceedings, investigate the disputes and do all such things as he thinks fit for the purpose of inducing the parties to arrive at a fair settlement of the disputes. The conciliation officer is entitled to enter an establishment to which the dispute relates, after reasonable notice and also to call for and inspect any document which he consider relevant. He has to send a report and memorandum of settlement to appropriate Government. The report by the conciliation officer has to be submitted within 14 days of the commencement of the conciliation proceeding or shorter period as may be prescribed by the appropriate Government.

Who is empowered to appoint a Concillation officer?

Section 4 of Industrial Disputes Act 1947 empowers the appropriate government to appoint such number of persons as may be deemed necessary by notification in the official gazette as conciliation officers, for discharging the responsibility of mediating in and promoting the

settlement of industrial disputes. All Labour officers, Asst. Labour Commissioner including Dy. Labour Commissioner, Labour appointed conciliation officers. Government of N.C.T. of Delhi for administrative and public convenience has divided entire territory into 9 districts i.e. East, North-East, South-West, West, South, North, North-West, Central & New Delhi.

Court

A court is any person or institution, often as a government institution, with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law.^[1] In both common law and civil law legal systems, courts are the central means for dispute resolution, and it is generally understood that all people have an ability to bring their claims before a court. Similarly, the rights of those accused of a crime include the right to present a defense before a court.

Tribunals

Tribunal is a **quasi-judicial institution** that is set up to deal with problems such as resolving administrative or tax-related disputes. It performs a number of functions like **adjudicating disputes, determining rights between contesting parties, making an administrative decision, reviewing an existing administrative decision** and so forth.

- The term ‘Tribunal’ is derived from the word ‘Tribunes’, which means ‘**Magistrates of the Classical Roman Republic**’.
 - Tribunal is referred to as the **office of the ‘Tribunes’** i.e., a Roman official under the monarchy and the republic with the function of protecting the citizen from arbitrary action by the aristocrat magistrates.
- A Tribunal, generally, is any person or institution having an authority to judge, adjudicate on, or to determine claims or disputes – whether or not it is called a tribunal in its title.

No.	Court	Tribunal
1.	A court of law is a part of the traditional judicial system whereby judicial powers are derived from the state.	An Administrative Tribunal is an agency created by the statute and invested with judicial power.

2.	The Civil Courts have judicial power to try all suits of a civil nature unless the cognizance is expressly or impliedly barred.	Tribunal is also known as the Quasi-judicial body. Tribunals have the power to try cases of special matter which are conferred on them by statutes
3.	Judges of the ordinary courts of law are independent of the executive in respect of their tenure, terms and conditions of service etc. Judiciary is independent of Executive	Tenure, terms and conditions of the services of the members of Administrative Tribunal are entirely in the hands of Executive (government).
4.	The presiding officer of the court of law is trained in law.	The president or a member of the Tribunal may not be trained as well in law. He may be an expert in the field of Administrative matters.
5.	A judge of a court of law must be impartial who is not interested in the matter directly or indirectly.	An Administrative Tribunal may be a party to the dispute to be decided by it.
6.	A court of law is bound by all the rules of evidence and procedure.	An Administrative Tribunal is not bound by rules but bound by the principles of nature of Justice.
7.	Court must decide all questions objectively on the basis of evidence and materials on record.	Administrative Tribunal may decide questions by taking into account departmental policy, the decision of Administrative Tribunal may be subjective rather than objective.
8.	A court of law can decide vires of a legislation	Administrative Tribunal cannot do so

The End