

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

**Pt. Lecturer- KESHAV KUMAR SHRIVASTAVA**

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

**Subject- Labour Law**

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

**Date- 30/01/2021**

**Topic- Write short notes on the following:**

**1. Conciliation Board, 2. Industrial Tribunal**

## **1. Conciliation Board**

The appropriate Government may by notification in the official Gazette, constitute a Board of Conciliation for the settlement of industrial disputes. The Board shall consist of a chairman and 2 or 4 other members in equal numbers representing the parties to the disputes as the appropriate Government thinks fit. The Chairman shall be an independent person. A person is "independent" for the purpose of appointment to a Board, Court or Tribunal if he is uncommitted with the dispute or with any industry directly affected by such dispute.

He may be a shareholder of a company connected with or likely to be affected by such disputes. But in such a case he must disclose to the Government the nature and intent of his share [Section 2(i)]. Where the appropriate Government is of the opinion that any industrial disputes exist in an industry, it may refer by order in writing to the Board of Conciliation for settling industrial disputes.

The Board of Conciliation has to bring about a settlement of the dispute. He has to send a report and memorandum of settlement to appropriate Government. He has to send a full report to the Appropriate Government setting for the steps taken by the Board in case no settlement is arrived at. The Board of Conciliation has to communicate the reasons to the parties if no further reference is made. The Board has to submit its report within 2 months of the date on which the dispute was referred to it within the period what the appropriate Government may think fit. The report of the Board shall be in writing and shall be signed by all the members of the Board.

## **2. Industrial Tribunal**

Industrial Tribunal [Sec. 7A]: The appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule and for performing such other functions as may be assigned to them under this Act.

### **SECOND SCHEDULE**

1. The propriety or legality of an order passed by an employer under the standing orders;
2. The application and interpretation of standing orders;
3. Discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;
5. Illegality or otherwise of a strike or lock-out; and

### **THIRD SCHEDULE**

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Rules of discipline;
9. Rationalisation;
10. Retrenchment of workmen and closure of establishment; and
11. Any other matter that may be prescribed.

According to [Sec 10 (2)] when parties in the industrial dispute apply to the government to refer dispute to the industrial tribunal and if government satisfies it shall make the reference to the industrial tribunal.

According to [Sec 10 (6)] no Labour Court or Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal.

A Tribunal consists of one person only.

### **Role of Industrial Tribunal**

The Industrial Tribunal is a juridical Tribunal made up of a Chairman and two members (one representing Workers' interests and the other Employers' interests) drawn up from separate panels in the case of an Industrial Dispute, whilst of a chairman alone in the case of alleged unfair dismissal. It is regulated by the Employment and Industrial Relations Act 2002 (Cap 452).

The tribunal hears disputes in the public but it may hold private sittings. Statements of Cases are asked of the parties who are then given an opportunity to support their cases by oral pleading.

Subject to the rules laid down under the Act, the Tribunal is free to regulate its own procedures but it is expected to observe the rules of natural justice and to decide on the substantive merits of the case in front of it.

Awards or decisions are binding on both parties. The parties are not free unilaterally to seek a revision within a certain period. They may however ask for an interpretation if the need arises.

Enforcement of the Tribunal's decisions vests in the Tribunal itself. The minister is empowered to ask the Tribunal for advice in regard to matters relating to Trade Disputes.

In cases of unfair dismissal the Tribunal may order re-instatement of the employee or award compensation.

In its awards the Tribunal is expected to refrain from any decision or consistent with any law or regulation regarding Conditions of Employment. The Tribunal is forbidden from encroaching upon the Public Service Commission.

No application fee or court fees are payable. The only real expenses are the transcripts which are obtained at a reasonable fee from the Law Courts transcribers, and the fee due to the person assisting the applicant. These fees are stipulated by L.N. 48 of 1986 - Representation Fees Regulations.

The Tribunal Office is housed at the Department of Industrial and Employment Relations and sittings are held at the Superior Courts.

### **Presenting a case to the Industrial Tribunal**

A case before the Tribunal must be presented by means of a referral in writing consisting of a declaration stating the facts of the case. The referral must be presented in the Registry of the Tribunal at the Maltese Law Courts within three months from the effective date of the alleged breach.

# Ultratech Cement Limited, vs Industrial Tribunal-Cum-Labour on 8 March, 2016

# State Of Rajasthan And Ors. vs Harish Chandra Sharma And Ors. on 20 July, 2006

**The End**