POWERS OF LABOR COURTS, TRIBUNALS AND NATIONAL TRIBUNALS: AN OVERVIEW

Sakshi Kasala*

ABSTRACT

The Indian Judiciary is one of the most powerful in the world. The structure of the judiciary is based on the Indian Constitution. The legal system can be termed the "common law system," wherein the judges develop case laws for future decisions. Procedure, powers, and duties of authorities- Notice for entry into premises- Documents to be submitted before tribunals- Determination of cost- Power to grant adjournment are Powers under Section 11 of the Industrial Disputes Act. There are as many as 333 adjudicating bodies in India comprising labor courts and industrial tribunals catering to 145.81 million non-agricultural workers in the country in 1999-2000. On October 30, 1998, India had 333 adjudicating bodies; there was one adjudicating body per 4,37,868 workers. The courts are overburdened and some attention must go to improving the judicial bodies. Various powers are entrusted with Labor Courts, Tribunals, and National Tribunals under the Industrial Disputes Act, of 1947. However, certain problems leading to overworking of the courts need to be monitored and improved. Broadly classifying them into three categories, the reasons for the delay are procedural, human, and administrative. The procedural provisions aim at bringing disputants together for trial, determining facts and law in disagreement, and making a verdict after a thorough inquiry. The human factor defines the timeframe within which a matter can be resolved, but delays may also result from the incorrect application or failure to apply procedural provisions. Despite these challenges, the Indian courts and Labour courts have provided some remarkable judgments in giving justice and safeguarding the rights of the people of India. Transforming the Appointment System, Reforming Investigation, Innovative Solutions to Justice, and Better District Courts may be the way for better adjudicating bodies.

INTRODUCTION

The judiciary of India has also been termed as one of the world's most powerful[1]. The Constitution of India gives the structure for the Indian judiciary, which not only acts as the

*BA LLB, THIRD YEAR, RAMAIAH COLLEGE OF LAW, BENGALURU.

[1] Kartikeya Kaul, Industrial Disputes Act, 1947 (ipleaders, 2022), < blog.ipleaders.in/industrial-disputes/>

watchdog of the Indian Constitution but also safeguards fundamental rights[2]. India has the oldest legal system in the world, and it still reflects a lot of the attributes that the judicial system left behind in this country by the British[3]. It follows the "common law system" of legal jurisdiction; common law is a body of law created by judges that governs subsequent judgments[4].

PROVISIONS OF LABOR COURTS UNDER THE INDUSTRIAL DISPUTES ACT

Any adjudicatory body mentioned in the IDA is termed a "Labour Court" in a generic sense in this paper. Some of these bodies are Labor Courts, Tribunals, and National Tribunals. This system of adjudication is known as the compulsory adjudication system and is also called the "labor court system" or "labor court model.".[5] This system is hence comparable with the collective bargaining model applied in developed nations, as it has a different structural layout.[6] Due to the discretion of the government to refer an industrial dispute for adjudication, the labor court model is also referred to as the compulsory adjudication system[7].

As the definition of "appropriate government" in the IDA makes clear, both the federal and state governments may do so within their respective domains[8]. It includes rights, interests, and collective as well as individual matters in industrial disputes which are pending or apprehended[9]. The government is empowered to do so even in the event that both parties are opposed to the reference[10]. Nevertheless, the relevant government is obligated to refer the dispute for adjudication when the parties to the dispute agree to the same if an industrial dispute needs to be decided by an adjudicatory body.[11]

The IDA designates the central government as the "appropriate government" for industrial disputes related to industries under its authority, railway companies, controlled industries, mines, major ports, and specified public corporations.[12] For other industrial establishments, the respective state governments are the appropriate government. The concerned government is to

[2] Ibid.
[3] Ibid.
[4] Ibid.
[5] Debi S Saini, Labour Court Administration in India(International Labour Organization'1997) pp.1-48
[6] Ibid.
[7] Ibid.
[8] Ibid.
[9] Industrial Dispute Act, 1947, ss 10(1).
[10] Debi S Saini, Labour Court Administration in India(International Labour Organization'1997) pp.1-48
[11] Industrial Dispute Act, 1947, ss 10(2).
[12] Debi S Saini, Labour Court Administration in India (International Labour Organization'1997) pp.1-48

actively undertake conciliation and adjudication of disputes and enforcement of awards and settlements.[13] The concerned Governments can undertake criminal prosecution for the offenses of violating settlement or award. For implementing labor laws, including the IDA, both the Centre and State Governments have the departments of labor in them. The Centre has a Central Labour Relations Machinery while each State has its own Labor Relation Machinery. [14]

The expression 'Industrial dispute' under the IDA means a collective dispute. In other words, an individual cannot raise an industrial dispute before any of the authorities mentioned in Chapter III of the IDA, such as the Works Committee, Conciliation Officer, Board of Conciliation, and Court of Enquiry. The appropriate government may also refer the disputes for voluntary arbitration under the IDA. For a dispute to be termed an industrial dispute, it has to have the support of a substantial number of people or the support of a union[15]. If a dispute involves only an individual worker-such as promotion, transfer, or any other type of grievance-it can only be collectively supported as mentioned above. A 1952 modification of the IDA now provides, however, that an individual dispute relating to discharge, dismissal, retrenchment, or termination of a worker may be supported by the worker themselves.[16]

Once a dispute is referred for adjudication by the government, the adjudicatory body sends notices to the parties involved, requesting their presence[17]. According to the IDA, these bodies have the freedom to determine the procedure they deem appropriate. Saini (1994a:29) states that the procedure followed by these bodies is similar to that of civil courts[18]. There are no pre-trial hearings by these bodies and they actively discourage any applications for pre-trial hearings[19]. Parties can however settle voluntarily and present the settlement to the adjudicatory body to transform into a settlement award[20]. The task of the PO then is to ensure that the settlement is fair and proper[21]. In collective disputes cases, Saini (1991a:122) found that 36.4 percent of disputes in Faridabad had been converted into "Settlement Awards" over a five-year period, while 39 percent of disputes were abandoned by workers to be converted into "No

[13] Ibid.
[14] Ibid.
[15] The Industrial Disputes Act, 1947.
[16] Debi S Saini, Labour Court Administration in India (International Labour Organization'1997) pp.1-48
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Ibid.

Dispute Awards." Only 24.6 percent of collective disputes referred by the government resulted in "Contest Awards.".[22]

JURISDICTION AND POWERS OF LABOR COURTS

The purpose of this law was to create a system for resolving industrial disputes, which included the establishment of labor courts and industrial tribunals. [23] The founders of the law wanted these tribunals to quickly resolve labor issues without formalities or complicated legal language. They were apprehensive about reaching a point where it would have to legalize the industrial relations, so some safeguards were therefore incorporated to avoid that. [24]

It also allows for the adjudication model to be managed by the central government or state governments, whereby they get to have labor courts and industrial tribunals in their respective jurisdictions[25]. The labor courts are allowed to make decisions concerning a wide array of issues mentioned in Schedule II, which relate mostly to rights on termination and interpretation of standing orders. In contrast, tribunals are empowered to decide any question whatsoever, whether or not such matter is noted in the Second or Third Schedules.[26]

Schedule 2 Includes

The propriety or legality of an order passed by an employer under the standing orders;

The application and interpretation of standing orders;

Discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongfully dismissed;

Withdrawal of any customary concession or privilege;

Illegality or otherwise of a strike or lock-out; and

All matters other than those specified in the Third Schedule."[27]

[22] Debi S Saini, Labour Court Administration in India(International Labour Organization'1997) pp.1-48
[23] Nikita Sharma, Labour courts: The industrial disputes Act 1947 (Legal Service India), < www.legalserviceindia.com/legal/article-979-labour-courts-the-industrial-disputes-act-1947.html#google_vignette >
[24] Ibid.
[25] Ibid.
[26] Ibid.
[27] Industrial Disputes Act, 1947, Schedule II

Schedule 3 Includes

Wages, including the period and mode of payment;

Compensatory and other allowances;

Hours of work and rest intervals;

Leave with wages and holidays;

Bonus, profit sharing, provident fund, and gratuity;

Shift working otherwise than in accordance with standing orders;

Classification by grades;

Rules of discipline;

Rationalization;

Retrenchment of workmen and closure of establishment; and

Any other matter that may be prescribed.[28]

One representative shall be from every tribunal and labor court. Such a person has to be necessarily a judge of a High Court or must have held the office of a district judge or an additional district judge for a period of not less than three years to be the presiding officer of a tribunal[29]. Any judicial office in India must be held by a person at least for seven years and has either been the judge of a High Court or has served as a district judge or additional district judge for at least three years or has served as the presiding officer of a labor court under a provincial or state Act for at least five years to be the presiding officer of a labor court[30].

[28] Industrial Disputes Act, 1947, Schedule III.
[29] Nikita Sharma, Labour courts: The industrial disputes Act 1947 (Legal Service India), < www.legalserviceindia.com/legal/article-979-labour-courts-the-industrial-disputes-act-1947.html#google_vignette >
[30] Ibid.

FRAMEWORK OF LABOR COURTS

Labor Courts and tribunals are separate from the regular courts and, therefore, may be referred to as specialized courts and modern types of courts. [31] One striking feature and characteristic of these courts relates to how they work[32]. These courts possess a very unique structure that incorporates local specialist assessors and actively source information and seek answers. Unlike regular courts, they are not bound by the procedural requirements of an adversarial culture[33]. Moreover, they are expected to possess expertise in labor relations in addition to their legal knowledge. Understanding industrial relations and their application to managing industrial conflicts greatly influences their approach and tactics. This affects the way provisions are made for the hearing, investigation, and settlement of disputes, and for securing fair and more efficient methods for discharging their duties[34]. These court adjudicators have full discretion to adopt their procedures, which are designed to facilitate the speedy investigation of issues involving industrial disputes, by working out proper steps to avoid some of the complications of formal procedural law. (Malhotra II, 1985:715)[35]

The IDA's adjudicatory bodies have the power to enter the premises of any establishment involved in any dispute. This again is a power, which to a large extent, is seldom exercised, discussed, or even acknowledged[36]. Most of the presiding officers in such adjudicatory bodies come from the civil and criminal courts and are very reluctant to depart from the culture and approach of the civil court system[37]. Nevertheless, the determinations made by the adjudicatory bodies are similar to those made in judicial proceedings[38]. The presiding officers are compelled to continue using the conventional method due to the workload of the tribunal. Apart from the terminology, the forms and declarations required are identical to those used in court proceedings.[39] Cases are called and heard in public hearings, which operate in a similar manner to regular courts. Unfortunately, the adjudicators never receive training on the basics of industrial dispute dynamics. They have become so accustomed to the conventional process

[31] O. P. Malhotra, The Law of Industrial Disputes (N.M. Tripathi, 1981)
[32] Ibid.
[33] Ibid.
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Ibid.
[38] Ibid.
[39] Ibid.

that they fail to recognize the possibility of seeking expert assistance when making decisions. (Saini, I 994a:28)[40]

It must be asked whether this lack of stringent procedures encourages an informal and effective dispensation of industrial justice[41]. The research by Saini, 1994a shows that POs have only applied the civil court method for investigating disputes and no other techniques have been employed. It means that most of the safeguards envisioned by the framers of the IDA have not been implemented by the adjudicators, except to the extent of verification of documents[42]. The greater involvement of the parties warrants the proactive approach of the adjudicators. Saini's study reveals that even when workers requested a more active role for the presiding officer, he or she not only refused but also mocked the workers for making such a request[43]. The impersonal nature of adjudication, which reflects the neutrality of civil courts, is a major concern for the majority of adjudicators. They have no intention of bridging the power gap between the parties[44]. This approach leaves many significant issues unanswered, especially because the underrepresented party, often the workers, is often unaware of its importance in the codified industrial relations equations.[45]

The process used by adjudicators is not investigative or proactive. It mirrors the oppositional cultural environment of the labor courts. The IDA framework envisages the Labour Adjudicators to take up extensive industrial justice projects, redressing rights and interests. They find this task too burdensome and are not trained to meet the expectations.[46] As mentioned before, the IDA limits attorneys' appearance before these organizations. Such procedures are highly legalistic, hence alienating workers, union leaders, and management representatives from properly participating in the adjudication process[47].

For this purpose, outsiders such as union experts, labor lawyers, or management consultants are called upon for assistance. This shifts the focus of union leaders from organizing unions to

[40] Debi S Saini, Labour Court Administration in India (International Labour Organization'1997) pp.1-48
[41] Ibid.
[42] Ibid.
[43] Ibid.
[44] Ibid.
[45] Ibid.
[46] Ibid.
[47] Ibid.

the role of a pleader. It also creates a market for labor lawyers and management consultants in dispute resolution, turning socio-economic concerns into legal matters.[48]

Additionally, the growing use of the adversarial technique results in impersonal workplace interactions and increases the "social distance" between the adjudicators and the disputant parties (Ietswaart, 1981-82:625).[49]

POWERS OF THE LABOR COURTS, TRIBUNALS AND NATIONAL TRIBUNAL

Section 11 under the Industrial Disputes Act provides the Procedure, Powers, and Duties of Authorities[50]:

Firstly, Notice for Entry into Premises, To investigate any ongoing or past industrial dispute, an official of appeasement or a member of the board may enter the premises of the establishment related to the dispute, after providing reasonable notice[51]. Secondly, Submission of Documents before Tribunals, To assess an individual or examine any document deemed relevant to the industrial dispute, an appeasement official may enforce the participation of that individual or request and review the mentioned document. [52] Thirdly, Cost, The council, national council, or labor courts collectively possess the authority to determine the payment of expenses, including the parties responsible, the extent of payment, and any applicable conditions. [53] The mentioned government can recover these expenses, upon application by the entitled individual, in the same manner as overdue land revenue. Fourthly, Granting of Adjournments, The respective parties will receive an adjournment notice from a bench of judges in the national tribunal, courts, labor courts, or tribunals. [54] Fifthly, Powers of the Tribunal Each board, court, labor court, council, and national council possess powers equivalent to those vested in a regular court under the Common Court of

Procedure, 1908, when filing a lawsuit, specifically regarding the following matters:

Authorizing the participation of an individual and examining them under oath

[48] Ibid.
[49] Ibid.
[50] Kartikeya Kaul, Industrial Disputes Act, 1947 (ipleaders, 2022), < blog.ipleaders.in/industrial-disputes/>
[51] Ibid.
[52] Ibid.
[53] Ibid.
[54] Ibid.

Compelling the production of reports and physical evidence

Issuing commissions for the assessment of witnesses

Addressing any other matters as prescribed; and any order or investigation conducted by a board, court, labor court, council, or national court will be considered a legal proceeding under Sections 193 and 228 of the Indian Penal Code (45 and 1860).[55]

POWERS OF COURTS AS MENTIONED IN THE BARE ACT

Section 11 and section 11A under the Industrial Disputes Act provide the procedure and powers of Labor courts and tribunals, In simple words[56],

Arbitrators and various courts can decide how to conduct their proceedings unless there are specific rules they must follow. [57]

Officials like conciliation officers can enter a workplace involved in a dispute after notifying the establishment in advance. [58]

These courts have the same authority as a civil court to:

Make people attend hearings and answer questions under oath;

Require the production of documents and objects;

Order the gathering of evidence from witnesses not present in court;

Deal with other prescribed matters and their proceedings are considered legal inquiries. [59]

A conciliation officer may summon any person and call for the production of any documents, which he considers relevant to the resolution of a dispute or to check whether a decision has been executed, to the same extent as it is authorized to be done by a civil court.[60]

The appointment of experts by courts to assist with cases. [61]

[55] Ibid.
[56] Ibid
[57] Industrial Disputes Act, 1947, s 11.
[58] Ibid.
[59] Ibid.
[60] Ibid.
[61] Ibid.

All involved officials are considered public servants, which has legal implications for their conduct. [62]

These courts decide who pays the costs of a proceeding, how much, and under what conditions. These costs can be collected like unpaid land taxes if the government assists. [63]

Labour Courts are treated like civil courts when it comes to certain criminal procedures. [64]

Decisions, orders, or settlements by these courts are carried out like civil court orders. [65]

These courts send their decisions to a civil court, which then carries them out as if they were its own. [66]

According To Section 11A

Section 11A of the Industrial Disputes Act provides for appropriate relief in case of discharge or other termination of services of workers, by the Labour Courts, Tribunals, and National Tribunals. [67] It is hereby declared that if any industrial dispute regarding the charge or dismissal of a worker has been pending before a Tribunal, Labour Court, or the National Tribunal for adjudication and during the pendency of such proceedings, the Labour Court, Tribunal, the National Tribunal is satisfied that the order of dismissal or discharge was not justified or proper, it may, by its Award, set aside that order of dismissal and directions for reinstatement of the worker on such terms and conditions as it deems fit, or grant the worker any other relief, including the award of any lesser punishment in lieu of dismissal or discharge as the circumstances of the case may require. [68]

It has, however, been laid down here that in any proceedings under this section, the Tribunal, Labour Court, or National Tribunal shall only consider the materials already on record and shall not receive any fresh evidence regarding this matter. [69]

[62] Ibid.
[63] Ibid.
[64] Ibid.
[65] Ibid.
[66] Ibid.
[67] Industrial Disputes Act, 1947, s 11A.
[68] Ibid.
[69] Ibid.

In the case of Workmen v. Firestone Tyre & Rubber Co. of India Pvt. Ltd[70], the Supreme Court established that Section 11A brought about a change in the law from the previous position set by Indian Iron and Steel Company Limited. It was further determined that under Section 11A, the Industrial Tribunal must be convinced during the adjudication process that the order of discharge or dismissal was unjustified. If the Tribunal reaches this conclusion, it is required to nullify the order and instruct the reinstatement of the worker on terms it deems appropriate. Additionally, the Tribunal possesses the authority to grant any other relief to the concerned worker and impose a lesser punishment, taking into account the given circumstances. However, it is important to note that neither the 1947 Act nor the new Industrial Relations Code, of 2020 provides a definition for the term 'reinstatement'. As a result, the responsibility of interpreting this term judicially has been placed upon the Constitutional Courts.

To Abridge The Powers Of The Labor Courts Are

While Trying Offenses

While trying an offense, a labor court shall follow as nearly as possible summary procedure as provided under Cr. P.C. and shall have the same powers as are versed in the court of a magistrate of the first class specially empowered u/sec 30 of Cr.P.C. [71]

While Adjudicating Industrial Dispute

To adjudicate and determine any industrial dispute, a labor court shall be deemed to be a civil court and follow the procedure as provided under C.P.C and shall have the same powers as are vested in such court under C.P.C. The following are the powers of the labor court[72]:

Firstly, To Grant Relief, the labor court can grant full and final relief to the aggrieved party. Secondly, To Grant Interim Relief, The Labour Court is also competent to provide interim relief under its inherent powers[73]. Thirdly, to grant Adjournment, the Labour Court has the power to grant adjournments if just cause is shown[74]. Fourthly, to enforce the attendance of any Person, Labor courts can enforce the attendance of any person which is necessary for

[70] (1973) 1 SCC 813
[71] Nikita Sharma, Labour courts: The industrial disputes Act 1947 (Legal Service India), < www.legalserviceindia.com/legal/article-979-labour-courts-the-industrial-disputes-act-1947.html#google_vignette >
[72] Ibid
[73] Ibid
[74] Ibid

deciding the matter before it and t it can done so by issuing summons, proclamations, etc.[75] Fifthly, Power to the Examiner, the Labour Court can examine any person on oath.[76] Sixthly, to compel the Production of Documents, etc, the Labour court can compel the production of documents and material objects, necessary for deciding the matter in question.[77] Seventhly, to issue commissions, the Labour Court has the power to issue commissions for the examination of witnesses or documents.[78] Eighthly, Ex-parte Proceedings, Labour court has the power to proceed ex-parte, where the party failed to appear before it. Ninthly, to determine the Grievance of workmen, the Labour Court may determine the grievance of workmen and in doing so, it shall go into all the facts of the case and pass such orders as may be just and proper in the circumstances of the case.[79]

While Trying Cases Of Rights Given Under Special Acts

Where the special acts confer on litigants certain rights but the power to decide, try, or adjudicate the case conferring by the labor court established under PIRA 2010 and no procedure is prescribed, labor courts can apply their own procedure.

PROBLEMS FACED BY THE COURTS THAT AFFECT THEIR EFFICIENCY

The objective of labor laws is to "ensure socio-economic justice to labor…".[80]

The First Five-Year Plan clearly outlined the government's goal in terms of compulsory arbitration: "The machinery and procedure relating to compulsory arbitration and adjudication of disputes should be so designed as to secure the essence of a fair settlement based on the principles of natural and social justice with the minimum expenditure of time and money."[81]

The three main flaws of adjudication in India are insufficient judicial institutions, a lack of consistency in awards and decisions, and inordinate delays in justice delivery. As of October 30, 1998, India had 333 adjudicating bodies: labor courts and industrial tribunals. Thus, with

[75] Ibid
[76] Ibid
[77] Ibid
[78] Ibid
[79] Ibid
[80] Dr KR Shyam Sundar, Why Labour Law Reforms Must Focus on Efficient Justice Delivery Mechanisms for Ease of Doing Business, (The leaflet, 2020) part 2
[81] Ibid.

145.81 million non-agricultural workers in 1999-2000, there was one adjudicating body for every 4,37,868 workers.[82]

This institutional context impedes the efficient administration of justice for the parties. The situation is unlikely to improve rapidly, and even if it does, the deficit will remain near this level. The absence of national data on labor courts and industrial tribunals is concerning. For example, to a question posed to the Labor Ministry about the number of labor courts and tribunals established around the country, both in the states and union territories, the Labor Minister responded in writing that "the details in respect of Labor Courts and Industrial Tribunals falling under the state sphere are not maintained centrally."

The following table shows that HCs in a few states, such as Allahabad (23.38%), Madras (12.49%), Bombay (7.84%), Rajasthan (6.89%), and Calcutta (6.27%), are saddled with cases in the lakhs, accounting for 56.87 percent of total cases in India.[83]

The Administrative Staff College (ASC) found that HCs took an average of 5 years and 2 months to resolve a case. As of December 31, 2015, the judge population ratio for all HCs in India was 1:20,24,364, and the average cases per judge in India was 2,948; clearly, regional variances existed in both data[84]. The Law Commission of India (LCI) reported in 1987 that the current judicial system causes excessive delays in justice delivery. The LCI (1987) reported 690 pending cases under Article 136 as of October 1, 1987, and 953 pending appeals as of January 1, 1986.[85] It is worth quoting the LCI on this subject: “There is inordinate delay in disposal of all cases, including cases under the labor laws, coming before the Supreme Court, that the faith reposed in it that it will expeditiously pronounce its verdict and help in introducing uniformity has been belied.” [86] On September 21, the Labor Minister notified Parliament that there are 22 Central Government Industrial Tribunals and Labor Courts operating in the central sphere, with 8,008 cases waiting before them for more than five years. [87]

We discovered that approximately 38% of the cases took more than three years and approximately 22% required more than five years to be resolved. The disposal and pendency

[82] Ibid.
[83] Ibid.
[84] Ibid
[85] Ibid
[86] Ibid
[87] Ibid

rates are uncomfortably protracted, which does not reflect well on the Labor Courts and Industrial Tribunal system.[88]

It is no surprise that the courts are overburdened. The fact that there is no proper data available about the overburdening of the labor courts itself is proof that attention needs to be given to the improvement of the judicial bodies. Recently The Delhi High Court issued notice on a plea seeking an increase in the number of Labour Courts and Industrial Tribunals and expeditious appointment of Presiding Officers in the positions that are currently lying vacant[89]. Notice was issued by a Bench comprising Acting Chief Justice Vipin Sanghi and Justice Navin Chawla in the petition filed by the Labour Law Association. Currently, 8000 cases pending for over 5 years in labour courts. But Apart from this, there are many problems faced by the labor courts as observed in an article,

In general, the following reasons can be given for case disposition delays

The industrial court has three benches, three labor courts, and several assistant commissioners of labor before whom the parties' representatives must appear. Unions have a limited number of delegates, as do employers' representatives[90]. Union representatives are mostly social and political workers who engage in a variety of activities. This is also true for some employers, especially when the employer is a municipal authority. Cases are often delayed to allow parties to have representatives present in court.[91]

Even when matters are heard in court, agreements for amicable settlements are encouraged in accordance with the plan of the BIR Act and the I.D. Act. [92] Negotiations between the parties can take a long period, therefore cases must be delayed. They are adjourned as requested by the parties for this reason.[93]

The questions involved in certain instances are occasionally linked to the concerns raised in other cases, and if settlement negotiations are underway in one set of such cases, the other sets

[88] Ibid
[89] Zeb Hassan, Delhi High Court Issues Notice On Plea For Increasing Number Of Labour Courts & Industrial Tribunals (Live Law, 2022)
[90] Pramod Verma, Delay in Labour Judiciary: An Empirical Investigation (*Indian Journal of Industrial Relations*, Vol. 12, No. 2, 1976) pp. 177-190.
[91] Ibid.
[92] Ibid.
[93] Ibid.

of cases must be delayed. Even in such instances, adjournments are granted as desired by or at the request of the parties involved.[94]

Ex-parte awards are often not permitted in industrial disputes, particularly those involving pay, bonuses, and other similar issues.[95] As a result, it becomes necessary to adjourn the case on a regular basis in order to bring the defaulting party to court. This is also true when the parties are present but do not produce the relevant materials requested for adjudication. [96]

Worker dismissal and discharge cases are prioritized and resolved promptly. However, even in such circumstances where the parties want to reach an amicable resolution, efforts are made to do so, and such cases naturally require a cooling period, which is why they are postponed. In such circumstances, the delay is often beneficial to the employees rather than the business. [97]

In many circumstances, the parties' representatives are unfamiliar with the art process and the requirements for the production of necessary and relevant documents.[98] In such circumstances, courts must discuss the pertinent issues with the parties and clarify the materials that must be presented.[99] Even when evidence is presented to the court, the court must ensure that it is properly formatted and that appropriate comments are provided to aid judgment.[100] Such strategies benefit workers more than employers, especially when employers have access to the majority of the available evidence. All of this requires a significant amount of time. [101]

In any instance, if one of the parties to the proceedings wishes for an early disposition, such matters are given top priority and are resolved as soon as feasible. (Pramod,1976,p177) [102]

Even though the labor courts face many challenges they still have provided many evolutionary judgments that have changed the course of labor laws. Some of the landmark judgments are:

[94] Ibid.
[95] Ibid.
[96] Ibid.
[97] Ibid.
[98] Ibid.
[99] Ibid.
[100] Ibid.
[101] Ibid.
[102] Ibid.

Workmen of M/S Firestone Tyre and Rubber Co. of India v. Management[103]

In this particular case, the employer discharged the workmen of Firestone Tyre & Rubber Company on the basis of the domestic inquiry's finding. During the pendency of the suit, Section 11 A of the Industrial Tribunal Amending Act, 1971, was added whereunder the Industrial Tribunal has been given the power to undertake a domestic inquiry into fresh disputes on the basis of Appellate Authority. The aggrieved workers filed an appeal in the Supreme Court against the judgment of the tribunal in favor of the employer against its decision. The Supreme Court, after pondering over Section 11A in the Act of 1947, viz., Industrial Disputes Act, recognized the Act as a benevolent act passed for the benefit of the workers.

However, it was held by the court that the aforesaid section would not apply to the instant case since the suit had already been filed before this amendment. It would apply only to those cases which were initiated subsequent to the amendment of the Industrial Dispute Act in 1947.[104]

Bandhua Mukti Morcha v. Union of India[105]

It was a PIL by an NGO, the Bandhua Mukti Morcha, which sought to bring an end to this abhorrent practice. The NGO, in its pleadings, referred to a survey conducted by it of the stone quarries of Faridabad District and claimed that a large number of workmen were being subjected to cruel and inhuman working conditions and compelled to do forced labor. On the basis of the aforementioned facts, the Court laid down the criteria for the identification of bonded laborers and issued directions that the state governments should find, release, and rehabilitate the bonded laborers from the clutches of the exploiters. An individual bonded to any job is a slave, deprived of his freedom to choose his own work, further held by the court.

The court further held that in case it is established that an employee is found engaged in forced labor, it shall be presumed that economic compulsion is present and the employee may be rightly considered bonded laborer. The employer as well as the state government may rebut this presumption only upon adducing credible proof.[106]

[103] 1973 SCR (3) 587
[104] 1973 SCR (3) 587
[105] AIR 1984 SC 802
[106] AIR 1984 SC 802

People's Union for Democratic Rights v. Union of India[107]

The PUDR has taken upon itself the mission of protecting the democratic rights of the citizens. In the present case, three scientists were deputed by PUDR to enquire into the ASIAD Project. The investigative findings formed the basis for the letter filed by the petitioner before Justice P.N. Bhagwati and it was in the nature of a Public Interest Litigation. The letter prayed for intervention by the Supreme Court and pointed out violations of various labor laws. The Supreme Court treated the letter as if it were a writ petition. Notices were issued to the Delhi Administration, the Delhi Development Authority, and the Union Government. The major ones were that there was theft of funds and that women workers had been paid improperly due to a violation of the Equal Remuneration Act of 1976.

The contractors had also violated the 1938 and 1970 Employment of Children Acts and Article 24 of the Indian Constitution by hiring minors under the age of 14 years in construction sites.

Worker abuse and rights violations were direct outcomes of infringements under the Contract Labour Act, 1970of.

In this judgment, the Apex Court held that the wrong acts had happened and that have been committed on an extensive scale. The state was bound to take proper action against such violations so that the basic rights of laborers are not breached or violated as the court has expressed that there is a large-scale misuse of labor legislation.[108]

Syndicate Bank and Ors v. K. Umesh Nayak[109]

The principal issue that was before the Apex Court in the instant case was whether the workers had a right to compensation during the strike, lawful or unlawful. The Apex Court laid down the law that only upon violation of the terms of the Industrial Disputes Act, of 1947, would a strike be presumed unlawful. Scrutiny in each case must therefore be made with respect to that claim's particular factual situation.

[107] 1982 SCC (3) 235
[108] 1982 SCC (3) 235
[109] 1995 AIR 319

In this case, the strike is due to longstanding differences between the employers and employees. It is a last-ditch measure left to the workers to press for concession by the industry for their demands.

The Industrial Legislation ensures the right of employees to demonstrate and of employers to lock down. It establishes mechanisms for the amicable resolution of disputes and peaceful investigation. Thus, the Court ordered the employees to be paid for the period of the strike.[110]

Bangalore Water Supply and Sewerage Board v. A. Rajappa & Others[111]

A. Rajappa was in service under the Water Supply and Sewerage Board of Bangalore. There was a labor dispute already pending between the board and the employee. The Board imposed certain fines on A. Rajappa and a few other workers for misbehavior. They were withdrawn for a considerable amount that was unreasoned. Consequently, A. Rajappa approached the Labor Court along with other workers. The question before them was whether the Bangalore Water Supply and Sewerage Board is an industry within the meaning of section 2(j) of the Industrial Dispute Act, 1947, or not. The Supreme Court of India dismissed the appeal filed on behalf of the Bangalore Water Supply and Sewerage Board since it found that the board was an industry within the meaning of the definition under the Industrial Dispute Act of 1947.[112]

These are some of the landmark cases amongst many more cases like the Vishaka case, MC Mehta case, etc.

DO LABOR COURTS PROTECT THE RIGHTS OF THE WORKERS?

Protection of Workers' Rights: The Courts have played an important role in protecting workers' rights and combatting exploitation. It has continuously promoted the ideas of fair salaries, acceptable working conditions, and social security for employees[113]. As mentioned above, Landmark decisions such as the Vishaka case (1997), which addressed workplace sexual harassment, and the Bandhua Mukti Morcha case (1984), which addressed bonded labor,

[110] 1995 AIR 319
[111] AIR 1978 SC 548
[112] AIR 1978 SC 548
[113] Vikas Sharan, Role of Supreme Court in Enforcement of Progressive Labor Laws in India: A Comprehensive Analysis, (Tax Guru, 2023), < www.taxguru.in>

demonstrate the Court's dedication to protecting vulnerable workers and preserving their dignity.[114]

The Supreme Court thus assumes the role of being a final judge for labor disputes, offering a platform for the employees to present their cases and have their grievances sorted out. It has powers to review the decisions given by lower courts, administrative bodies, and labor tribunals, which essentially opens up avenues for redress to the employee.[115] Reinstatement of wrongfully retrenched employees, compensation in cases of fatal accidents at the workplace, and assertion of the rights of workers are some of the positive outcomes of the courts' efforts. Social Justice: The Supreme Court has played an important role in implementing social justice and equity under labor laws.[116] It was efforts taken consciously to redress the injustices of history in terms of caste bias, differential treatment of the downtrodden, and other less-privileged sections.[117] The Court, while recently pronouncing its judgment in matters substantially espousing principles relating to affirmative action, reservations, and equal pay for equal work, has really dovetailed the labor laws toward the equipoise countenance of society.[118]

CONCLUSION

The labor Courts are specialized courts that are authorized under the Industrial Disputes Act, of 1947. The Industrial Disputes Act gives various powers to Labor Courts, Tribunals, and National Tribunals. Certain problems lead to overworking of the courts, that need to be monitored and improved, but that doesn't mean that the courts don't provide justice or offer protection to workmen and employers.

Mr. DK Aggarwal[119] questions whether the procedure is to be blamed, according to him, The above analysis identifies three broad reasons for the delay: procedural, human, and administrative.[120] The goal of the procedural provisions is to bring the disputants together for trial, determine the facts and law in the disagreement, and make a verdict after a thorough inquiry. They are predicated on the idea that each party should provide complete disclosure of

[114] Ibid.
[115] Ibid.
[116] Ibid.
[117] Ibid.
[118] Ibid.
[119] DK Agarwal, Problems of Delay in Labour Judiciary: A Case Study (Indian Journal of Industrial Relations, 1967), pp 49–59
[120] Ibid.

their case to the other.[121] The competing claims will be limited to specific questions that must be resolved as soon as possible. If a delay occurs, it is due to a combination of personal and external factors rather than the procedure's requirements.[122] The Human Factor is The length of time it takes to resolve a matter is determined by the number of parties involved, their ability to file pleadings, collect evidence, present it in court, and argue their points. It will also depend on the judge's efficiency and legal experience.[123] Delays can also occur as a result of incorrect or non-application of procedural provisions.[124] This is the position articulated by the Law Commission of India, which was recently backed by P. B. Gajendragadkar, the former Chief Justice of India. (Aggarwal, 1967, p49).[125]

Nevertheless, the questions relating to adjournments, procedure, and strength of labor judiciary are common to all courts. Transforming the Appointment System, Reforming Investigation, Innovative Solutions to Justice, and Better District Courts may be the way for better adjudicating bodies. Even the the Indian courts and especially the Labor courts have given remarkable Judgements to provide justice and safeguard the rights of the people of India.

[121] Ibid.
[122] Ibid.
[123] Ibid.
[124] Ibid.
[125] Ibid.