

WORKING OF ADJUDICATION MACHINERY
IN MAHARASHTRA - A REVIEW.

Introductory

The paper is divided into four parts. Part-I describes the anatomy of the adjudication machinery as constituted in the Maharashtra State under the central and state legislation. An analysis of the cases dealt with in adjudication is made in Part-II. It brings out the trends in the quantitative and qualitative work-load on the adjudication authorities during the last two decades of their functioning. It examines the time inputs gone into the Tribunal and Wage Board awards. The annual reports and some of unpublished records of the Maharashtra Labour Department along with an unpublished thesis on a related subject are the chief source material for this part. Part-III is a probe into the procedural aspect of the functioning of the adjudication machinery. It describes the procedures prescribed for and actually practised by the disputants and the concerned authorities and attempts to identify the stumbling blocks in concluding adjudication proceedings expeditiously. Useful information in some of these issues is drawn from the proceedings record (unpublished) of a recent conference of adjudicators and persons appearing before them on behalf of workers and employers; and papers presented on the subject in a Seminar on Administrative Dimensions of Labour Laws held in 1966 under the auspices of the Shri Ram Centre for Industrial Relations, New Delhi. Part-IV contains certain suggestions to expedite and improve the functioning of the adjudication machinery. The reforms suggested in this Part are supported by the findings and recommendations of the conference of adjudicators etc. referred earlier. The statistical information in the paper has at places suffered from discontinuity and non-comparability and as such is only intended to show certain broad indications.

P A R T - I

Adjudication Machinery - Constitution and Jurisdiction

The adjudication machinery in Maharashtra State consists of Labour Courts, Industrial Court, Wage Boards and Industrial Tribunals. These industrial authorities are set up under the State and the Central legislation viz. the Bombay Industrial Relations Act, 1946 (B.I.R. Act) and the Industrial Disputes Act, 1947 (I.D. Act). While the Industrial Court and Wage Boards are constituted under the B.I.R. Act, the Industrial Tribunals are appointed under the I.D. Act. Labour Courts are provided under both the State and the Central legislation. To demarcate the jurisdiction of these two sets of legislation, industries in the State are divided into Central and State sphere.

Before reviewing the working of this adjudication machinery and analysing the difficulties faced by its different components, it would be desirable to give a brief description of these various authorities their composition, jurisdiction and procedures.

Labour Courts

Under the B.I.R. Act, the State Government is empowered to constitute one or more Labour Courts for specified local areas. A Labour Court is constituted of a person eligible for State judicial service. A Labour Court is authorised to adjudicate disputes relating to standing orders, changes in respect of matters listed under Schedule III* of the Act, legality or otherwise of a strike, lock-out, closure or any other dispute referred by the State Government. The Labour Court can try offences punishable under the Act and compute the money value of any compensation due for payment and order its payment. The Labour Court can order reinstatement of an employee and award compensation of an amount up to four thousand rupees if the order of discharge, dismissal, retrenchment, etc. is found to be at fault, improper or illegal.

* See Appendix I.

Excepting in proceedings in connection with a trial of an offence punishable under the Act, appearance of legal practitioners before the Labour Court is not permitted under the Act save with the permission of the Court.

An appeal against the decision of a Labour Court on matters other than strike, lock-out, closure can be filed in Industrial Court within 30 days from the date of the decision. The Industrial Court is the supervisory authority for the Labour Courts and lays down rules of procedure for them.

Under the I.D. Act also a Labour Court consists of one person of judicial experience. Matters to be referred to the Labour Courts under the I.D. Act are broadly the same as under the B.I.R. Act and are listed in the Second Schedule of the I.D. Act.* Legal practitioners are not permitted to appear before the Labour Court under both the Acts. The I.D. Act, however, does not provide for an appeal against an award of the Labour Court as is provided under the B.I.R. Act. Rules for the Labour Courts under the I.D. Act are to be framed by the appropriate Government.

Industrial Court

Under the B.I.R. Act, the State Government is empowered to constitute an Industrial Court consisting of three or more members, one of whom is to be its President. Members are to be independent persons and of the rank of High Court Judges. The Act, however, permits one non-judicial member having industrial experience. The Industrial Court can entertain appeal against a decision of a Registrar/Labour Commissioner/Labour Court. It is authorised to decide all other disputes referred to it in accordance with the provisions of the Act. The Court is empowered to interpret the provisions of the Act and Rules framed thereunder. Order or decision of an Industrial Court cannot be questioned in any Civil or Criminal Court.

* See Appendix-II.

Wage Boards

The B.I.R. Act empowers the State Government to constitute a Wage Board for one or more industries. A Wage Board is to consist of equal number of representatives of employees and employers and such number of independent members as the State Government may nominate. The Chairman of the Board is to be appointed by the State Government. Matters affecting the entire industry such as wage standardisation, classification of employees, rationalisation are referred to a Wage Board. These matters are items numbered 1,2,4,9 and 10 in the Schedule II* of the B.I.R. Act. A Wage Board follows the same procedure in adjudicating over disputes referred to it as the Industrial Court, subject to any rules which may be prescribed. It, however, functions under the over-all supervision of the Industrial Court which is also the appellate authority in respect of a decision of a Wage Board. The Act provides that the rules of procedure may authorise a Wage Board to act in matters of local nature, through small committees with co-opted members from the local area concerned. A decision of a Wage Board can be reviewed under the B.I.R. Act after expiry of at least one year from the date of its coming into force, on application made by either party concerned, provided it employs or represents, as the case may be, at least 15% of the employees affected by that decision. Government is authorised to make an application to the Wage Board for revision of its decision any time, it so desires.

Industrial Tribunals

The I.D. Act empowers the appropriate Government to constitute one or more Industrial Tribunals consisting of one person only of the rank of a High Court Judge or a District

*See Appendix I.

or Additional District Judge of three years standing. Any matter enlisted in the Second or Third Schedule* of the I.D. Act can be referred to an Industrial Tribunal.

Duration of Adjudication Proceedings

No time limit is fixed for completion of adjudication proceedings under both the Acts.

Nature of Award

An award of a Labour Court/Industrial Court/Wage Board/Industrial Tribunal is binding on the parties. Under the B.I.R. Act, an award comes into operation on the date specified in the award or on which it is published, whereas an award made under the I.D. Act comes into effect on the expiry of thirty days from the date of its publication.

Powers of Court/Tribunal

The B.I.R. Act confers upon a Labour Court powers of a Presidency Magistrate in Greater Bombay and a First Class Magistrate else-where under the Code of Criminal Procedure, 1898 in dealing with an offence punishable under the Act. The Industrial Court has powers of the High Court of Judicature at Bombay under the Code of Criminal Procedure, 1898 in respect of offences punishable under the B.I.R. Act. Proceedings before the Court are deemed to be judicial proceedings within the meaning of sections 192, 193 and 228 of the Indian Penal Code.

Under the I.D. Act, a Labour Court/Industrial Tribunal has the power of a Civil Court under the Code of Civil Procedure, 1908 in respect of enforcing attendance of any person, examining him on oath, compelling production of documents and other relevant material, examination of witness and such other matters as may be presented. Proceedings before them are deemed to be judicial

* See Appendix II.

proceedings under sections 193 and 228 of the Indian Penal Code. The Labour Court/Industrial Tribunal can appoint assessors to advise them on any matter.

Superior Courts & Jurisdiction

Though the awards of the industrial court, labour courts and tribunals are final and cannot be questioned in a Civil and Criminal Court, Constitution does not confer on them a domain entirely independent of the High Courts and the Supreme Court. A writ petition for stay of an award can be filed in the High Court under Article 226 of the Constitution and/or a special leave can be obtained to file an appeal in the Supreme Court under Article 136 of the Constitution.

P A R T - II

CASES DEALT IN ADJUDICATION

Labour Courts

The rapid pace of industrial expansion in the Maharashtra State has made matching demands on the State industrial relations machinery, particularly the adjudication machinery which marks the culminating point in the disputes settlement process. The number of Labour Courts has though increased since 1947, they are not able to cope with the increasing work-load. As shown in Table No. 1, the percentage of cases pending at the end of each year to the total number of cases on file has been on increase. The percentage of cases pending at the end of the year has risen from 24.4 in 1948 to 38.0 in 1958.* The number of cases filed increased from 1817 in 1949 to 3273 in 1957 after which it recorded a slight decline to 3116 in 1958. There was thus about a fourfold increase in the number of cases filed before the Labour Courts during the first decade of their working.

At a Conference of adjudicators held in Bombay in October, 1967, it was pointed out that on 30th September, 1967, 2928 cases were pending in Bombay Labour Court to be dealt by two Labour Judges; in Poona Labour Court, 1653 cases were pending before a single judge; and the Nagpur Labour Court had on its files 11,771 cases to be processed by two judges only.

Classification of disputes according to their causes, as given in Table 2, shows that the largest number of disputes dealt by the Labour Courts have been over discharge and reinstatement, next to which come disputes over illegal changes and illegal strikes in serial order. The decisions in such cases mostly involve application and interpretation of the relevant law and standing orders already laid down.

* As publication of these data is discontinued now, statistics relating to Labour Courts could not be compiled for the subsequent period.

Hence they take lesser time than the awards in disputes over interests such as wages, allowances for which there are no set standards.

Results of applications decided by the Labour Courts in Table 3 show that a large number of cases have either been withdrawn by the parties or are dismissed by the Courts, so much so that during the years 1952 to 1954, and 1957 to 1958, the total number of such cases has exceeded the aggregate disputes actually decided by the Courts (comprising cases decided in favour of employers; in favour of employees; and in terms of mutual settlement). In the remaining years, the number of cases dismissed by Courts, compares well with the number of cases actually decided, though it does not exceed the latter. This indicates a large bulk of disputes referred to the Labour Courts are either on flimzy grounds or are held to be invalid on legal grounds.

A large number of cases taken to Labour Courts are decided by mutual settlement between the parties. Table 3 shows that percentage of mutual settlements varies between 52 (in 1948) and 79.9 (in 1954). This indicates the time allowed to the parties to pursue their negotiations has borne fruit.

Industrial Court

Table 4 shows there has been considerable increase in the number of cases filed to the Industrial Court every year, over the cases filed in the Court during the initial years 1947, 1948. The number of cases filed in the Court during 1958 is more than three times the cases filed in 1947. A downward trend is however observable since 1961. But there is no corresponding improvement in disposal of cases every year as shown by the percentage of cases pending at the close of every year. This has ranged between 24 and 60 percent approximately during the period 1947 - 1967.

As shown in Table 5, among the cases filed in the Industrial Court, the majority of the cases are either References or Appeals. This suggests that in most of the cases, reference of a dispute is made either by the Government on its own motion or on application of one of the parties. In 1949, the number of appeals were higher than the number of References and also during the period 1952-1956 and 1961-1963, it was so every year. This shows dis-satisfaction of the parties with the decisions of the lower courts and authorities as also the spirit of litigation, which alone sometimes prompts the parties to approach higher and higher authority until all avenues are tried. A small number of 'submissions' (agreements between the two parties to refer their disputes to a mutually agreed arbitrator, under Section 66 of the B.I.R. Act) indicate that the parties do not approach the Courts by mutual agreement.

Classification of 'References' filed each year in the Court, according to demands as given in Table 6, shows that a large percentage of disputes before the Industrial Court has been on wages, dearness allowance, bonus and retrenchment. During the years 1949 and 1950, the largest percentage of disputes i.e. 47.2 and 48.6 respectively was on the issue of retrenchment in industries owing to fall in demand after the Second World War. Percentage of such disputes during the subsequent years till 1954 compares well with the percentage of cases on wages and dearness allowance. A steep fall in retrenchment disputes is noticeable after 1954 which besides stabilisation after the War, can be explained by the amendment made in the I.D. Act, 1947 to incorporate Sections 25F, 25G and 25H for regulating retrenchment. This must have influenced cases to be referred under the B.I.R. Act also. Disputes over bonus have accounted for larger percentage than those over wages and dearness allowance throughout the period under review except in 1947-50 and 1954. Bonus disputes increased considerably

during the years 1956 to 1958.* In 1956, the percentage of bonus disputes was as high as 41.0. In 1958, the percentage of wage disputes also rose high though it remained a little below that of disputes over bonus. Many disputes were raised over increase in wages during the year, since after revision of minimum basic wage by the Court in 1947-48 (or even in later years, where no reference was made earlier) after the publication of the Pay Commission's Report in 1947, the minimum basic wage remained almost frozen at that level.

Predominance of bonus and wage disputes is continued during 1961-1966 as well, as shown in Table No. 6-A. Bonus disputes have featured more than wage disputes save in two years - 1961 and 1966.

Thus, the majority of references being on serious issues of labour remuneration and retrenchment, they have contributed to slow proceedings in the Industrial Court.

Wage Boards

Tables 7, 8 and 9 show that a large percentage of total number of disputes before the Wage Boards, ranging between 18 and 91 remained pending with all the three Wage Boards for Cotton, Silk and Sugar industries. At the end of the first year i.e. 1956, the Sugar Wage Board had pending before it all the references filed during the year. Since the total number of references on file with these Wage Boards was not large, the large number of pending cases are indicative of slow proceedings before the Wage Boards. This can be attributable to the nature of work performed by these Boards. In every case detailed inquiries are made by the members of the Board. They collect first hand information by visiting the undertakings. Also the parties to disputes are granted full hearings by the Boards. The procedure adopted is motivated towards bringing the parties to a settlement. Moreover, representatives of both labour and employers being members of

* Percentages could not be calculated for the latter years due to overlapping nature of demands.

the Board long hearings and investigations very often become inevitable. Tables 10, 11 and 12 show that a large percentage of decisions given by the Wage Boards are in terms of settlements between the parties. During the period under review, in no year this percentage fell below 50 and in respect of Cotton-Textile Wage Board, it rose to 100 in 1956, 1965 and 1967. The Sugar Wage Board recorded mutual settlements in 100% cases during 1957, 1958, 1962, 1965 and 1967.

As shown in Tables 13, 14 and 15, a large percentage of disputes being over rationalisation, retrenchment, wages and dearness allowance, they necessitate detailed hearings of the parties and inspection of the place of work to obtain first hand information.

Time taken by the Wage Board for Cotton Textile Industry, Bombay, in Disposing of a Reference

To have an idea of time taken by Wage Boards in disposing a reference, an estimate was made for Cotton Textile Wage Board.* The dates of receipt of the reference and of the award were collected from the Register maintained by the Board's Office at Bombay for the references filed during 1957 and 1958. Out of the 56 references received by the Board during 1957, 55 were disposed of, while hearing continued in case of 1 till 28th April, 1960. These 55 decisions included agreements, decisions of the Board and even withdrawal by the parties, since a large number of cases were withdrawn by the parties, only after prolonged hearings by the Board, indicating thereby that these withdrawals were also due to the efforts of the Board. As many as 46 hearings were held in some of these cases, as recorded in the Board's register. The average time taken in disposing a reference came to 282 days during 1957.

*Mathur K., Settlement of Industrial Disputes in India with special reference to Industrial Awards, Vol. I, p. 160-164, An unpublished Ph.D. Thesis submitted to University of Poona, 1962. In the absence of current estimates this only gives an approximate idea of time taken in Wage Boards decisions.

On similar basis, the average time taken in disposing of a reference for the sample of 36 references dealt by the Board out of the 38 filed during the year 1958, came to 250 days approximately which was appreciably less than that for the former set of references filed in 1957. The average time taken for all the 91 references in the two samples came to 269 days or 9 months approximately.

Industrial Tribunals

Table 16 suggests that the proceedings in the Industrial Tribunals move slowly. A large number of cases during the early years of their inception 1947-50 remained pending at the end of the year. The delay is noticeable since the number of cases during every year has not been very large in this period. A marked improvement in the working of the Tribunals seems to have been there during the later period 1951-1957 when the number of cases decided by the Tribunals picked up considerably, and those pending registered a decline despite the increased work-load. However, this improvement could not be sustained during the later period in which the percentage of pending cases varied between 44 and 60 percent.

Classification of the References filed every year with these Industrial Tribunals, as given in Table 17 shows that wages, dearness allowance, and bonus together account for a large percentage of cases filed. This percentage has varied between 70 and 95 during 1947-1958.* Despite the 'Available Surplus Formule' designed by the Full Bench of the Labour Appellate Tribunal (L.A.T.), the disputes over bonus have been very frequent, more than those over wages and dearness allowance during the period 1951-1957. In 1958, however, the References

* Percentages for the subsequent period could not be calculated due to overlapping nature of demands.

over wages and dearness allowance increased considerably. The reasons for this can be the same as explained earlier for the increase in the wage disputes filed in the Industrial Court.

The majority of the disputes before the Tribunals being on serious issues of labour remuneration, they have necessitated long hearings of claims and counter-claims of the parties, examination of the balance sheet, profit and loss **statement and judgment of the financial position of the company by other indirect evidences as well.**

Time taken in making awards by the Industrial Tribunals, Bombay

To calculate the average time taken in making an award by the Industrial Tribunals, Bombay, a sample of 137 awards was taken out of the total 177 awards (excluding decisions given in complaints under Section 33-A) published in Bombay Government Gazette (B.G.G.) Part I-L 1957.* Out of 137 awards chosen, 23 were made in December, 1956, and the rest were pronounced during 1957. Similarly out of the total 172 awards published in the B.G.G. Part I-L 1958, another sample of 151 awards was taken. Out of these 151 awards, 7 were made in December, 1957 and the rest during 1958.

The average time taken in making an award came to 230 and 207 days approximately for the first and the second sample of awards respectively. The average time taken in making all the 288 awards selected for the two samples came to 218 days or 7 months approximately. It may be mentioned that this does not include the time taken in publishing the award by the Government, which is however never more than one month as required under Section 17 of the I.D. Act.

* Majumdar K., op.cit., pp.180-185. In the absence of current estimates this only gives an indication of the duration of tribunal proceedings.

P A R T - III

FUNCTIONING OF THE ADJUDICATION MACHINERY

Rules of Procedure

Section 10-B of the Industrial Disputes (Central) Rules, 1957 provide the following procedure for proceedings before a Court/Tribunal:

On making of a reference to an adjudication authority under the I.D. Act within two weeks of the date of reference, the party concerned shall file with the Court/Tribunal a statement of demands included in the reference with copies endorsed to the opposite parties. Within two weeks of the receipt of this statement of demands, the opposite party shall file its rejoinder to the Court/Tribunal with a copy to the other party. The Court/Tribunal shall fix the date of the first hearing within six weeks of receipt of the reference. Thereafter the hearings will continue from day to day to be followed by arguments immediately on closing of the evidence. The Court/Tribunal shall not ordinarily grant more than a week long adjournment or more than three adjournments in all on request of any of the parties. As the hearings proceed, the Court/Tribunal shall prepare memoranda of the evidence deposed by witnesses. The Court/Tribunal is given option to adopt the procedure laid down in Rule 5 of Order XVII of the First Schedule to the Code of Civil Procedure 1908, to suit the nature of a particular dispute pending with it.

It may be added that the time limits prescribed under Section 10-B for different stages of the proceedings are relaxable on discretion of the Court/Tribunal. This discretion seems to have been more than frequently exercised for various reasons, resulting in protracted proceedings before a Court/Tribunal.

Pre-hearing delays.

An interview with the Registrar of the Industrial Court, Bombay, a couple of years back around 1960 revealed that the delay in adjudication proceedings was not due to pressure of work on the Court but because hearings were postponed many times due to unavailability of the labour representatives, who being very few were often busy elsewhere in more important cases before higher courts. Considerable delays were said to be made by the parties at the pre-hearing stage in filing their statements. A statement prepared by the Industrial Court, Bombay, on time taken by the Industrial Tribunal, Bombay, in making awards during January, 1958 to March, 1958, ascribed the delay in awards to similar reasons i.e. long time taken by the parties in filing their statements; several adjournments sought by the parties for carrying on mutual negotiations and the Tribunal's own efforts to bring the parties to a settlement.

While much water has flown under the bridge since then and work-load on the adjudication machinery particularly the labour courts is reported to have considerably increased, the procedural delays as mentioned above have persisted unabated. At a Conference of Industrial Tribunals, and Labour Courts Judges, Advocates, Trade Union Leaders and Labour Consultants held on 20th-21st October, 1967, in Bombay, it was pointed out that in many cases, a reference is ripe for hearing before a Labour Court only after four months from the date of reference. As mentioned earlier, the rules of procedure do not provide more than four weeks for completion of filing of statement of claim and written statement of the opposite party.

These delays are particularly disastrous in cases of reinstatement which if not settled quickly can mean an avoidable loss of livelihood to the aggrieved worker.

In view of the recent amendment of Section 2 of the I.D. Act empowering an individual workman to move the Government for reference of his reinstatement case for adjudication, and the B.I.R. Act already providing for such references, increasing number of reinstatement disputes are being filed with the Labour Courts. The nature of such cases demands quick decision, if the workman is to be protected against unemployment. This has not been forthcoming. It is reported that the Bombay Labour Court is receiving about 1,000 applications for reinstatement under the B.I.R. Act, with a strength of two judges to dispose off these applications.* The average time by the pre-hearing procedures in such cases is about four months. This is partly explained by the time taken by the parties for cooling off prior to which no settlement is possible. Efforts for settlement are made by the parties only after the case is referred for adjudication. The B.I.R. Act enjoins upon the worker to approach his employer before challenging a dismissal/discharge order in a Court. These negotiations take about 3 months and yet the genuine efforts to reach a settlement start only after the case is referred to the Labour Court. This delays the hearings by the Court. Moreover, since the employer is not obliged under any law or standing orders to furnish a copy of the domestic enquiry proceedings to the aggrieved worker, the latter makes in his application before the Court all sorts of allegations against the domestic enquiry and the dismissal order of the employer.

* Statement made at the Conference of Industrial Tribunals, Labour Courts, etc. referred earlier.

A copy of the domestic inquiry is made available to the worker only during the hearings to meet his allegations. This again causes delay in court proceedings.

The hearings very often become lengthy causing frustration in workers with their irrelevant questions that are ruled out by the other party, giving them a feeling of inadequate hearings. Despite the emergence of fairly accepted criteria through comprehensive case law for deciding reinstatement cases, evidence is not always confined to pertinent questions. This causes avoidable delays in completion of hearings and writing of judgments.

Regarding references under the I.D. Act, the complaint generally is that as much time as 1½ years sometimes is spent in the preliminary proceedings before the Government Labour Officers themselves. After the reference is made to a Labour Court, again some four months are spent in pre-hearing procedures. The union requires at least two months in contacting the dismissed worker and in filing the statement of claim. In some Courts, it is estimated that in about 60% of the cases, the statements of claims are not filed immediately. The employer thereafter takes as much time in filing the written statement after necessary legal consultations. There is no compulsion on the employer to file his written statement. He is free to do or not to do so. Sometimes the written statement is delayed on ground that negotiations are still being carried on. There are cases wherein a written statement is filed after 2-3 years. Once the hearings start, adjournments have to be allowed to make available to the aggrieved party a copy of the report of the domestic enquiry proceedings which is not supplied to the worker all through, despite the Courts instructions in the notice issued to the employer for filing the necessary statements.

Pre-hearing delays in more substantive cases involving huge money payments can very well be expected to be far exceeding those occurring in small cause cases like discharge, dismissal and reinstatement.

Hearings - Nature of Statements and Adjournments.

It is complained that the statements filed before the Courts generally lack precision to an extent that sometimes a statement of claim fails to communicate the exact demands of workers. These statements often carry irrelevant details such as a text-book exposition on industrial peace. Besides putting a heavy claim on labour, judiciary's time to be spent in going through them, lengthy and often vague statements necessitate detailed evidence to sort out the demands and arguments of the case which often requires frequent adjournments to allow time to the parties for collecting documents for a more cogent presentation of the case. To a large extent these factors are responsible for frequently interrupted and protracted hearings before the Tribunal/Court.

Scrutiny of Inter-locutory Orders of Court/Tribunal.

The commencement of actual hearings is deferred for a long time when a dissatisfied party seeks security of inter-locutory orders of a Court/Tribunal in a High Court. Processing of such a case before the High Court sometimes takes as long as 3-4 years till which period the adjudication proceedings are stayed. A Labour Court Judge stated at the Bombay Conference of Industrial Tribunals etc. (referred earlier) that he had with him 5,000 cases pending, which were stayed by various courts. Many times such writs before the High Courts prove to be misconceived and are resorted to as an award delaying tactic.

Writing of an award.

Discontinuous hearings and submission of documents during trial stage make award writing less smooth a job for the labour judges. They require more time in joining together the broken threads of evidence, sifting of the relevant material and writing out the award. At the Conference of Industrial Tribunals/Courts etc. held in Bombay in October, 1967, a member of the Industrial Court was of the view that discontinuity of hearings loosens the grip of a case and preparation of award is easier soon after the completion of continuous hearings.

Appellate Jurisdiction.

Making of an award is very often not the end of the adjudication proceedings. Resort is taken to a High Court and/or Supreme Court when an award is not acceptable to either party. Cases in these Courts keep pending for years some times. If a writ petition is admitted in the High Court, the opposite party is required to file its affidavit in reply. If necessary, the petitioner is then permitted by the High Court to file a rejoinder affidavit. This process generally takes about two to three months, but a case remains pending for hearings for a long time. On the basis of High Court judgments published in Labour Law Journal in 1965, it has been estimated that time taken in disposing a writ has varied between 18 months to three years.* This is in sharp contrast with the norm period of six months, fixed by the Law Commission for disposal of a writ.** Delay at the High Court according to the Law Commission is largely due to inadequacy of judicial personnel and a variety of jurisdictions demanding on the time of a High Court.

* D.K. Aggarwal 'Problems of Delay in Labour Judiciary, A Case Study'. (Paper presented at a Seminar on 'Administrative Dimensions of Labour Laws, organised by the Shri Ram Centre for Industrial Relations, New Delhi.)

** Law Commission of India, 14th Report, Part-I, 91, Para 55.

Appeals filed in the Supreme Court take even more time than High Court writs. Here the procedure is time consuming. An appeal to the Supreme Court can be filed on obtaining a special leave which is permissible only after 90 days of publication of the award. After the special leave is granted, the record of Court/Tribunal proceedings is summoned for printing which takes from 1½ years to 2 years or even longer at times. Then only the appeal is admitted. Normal duration of Supreme Court proceedings is generally between three to five years.*

The final award is thus inordinately delayed if all the avenues of rejection of an award are explored by the dissatisfied party/parties.

Limitations of the Adjudication Machinery

The essentially judicial character of the adjudication authorities has invited much criticism. Dissatisfaction with awards reflected in writ petitions and appeals to High Court and Supreme Court has been generally due to lack of faith in the Judges making the awards. Mere judicial qualifications without industrial experience has not gone far in making an effective adjudicator whose role has to be much more vital than a judicial judge, in determining a dispute. While a judge has mainly to interpret the law, an adjudicator makes the law. He functions as a law giver. This is a more difficult task for which special proficiency is required. Selection of retired hands of judiciary to man these Courts/Tribunals has further worsened the situation. Strength of judiciary at different levels - Labour Courts, Industrial Court/Tribunal, High Court and Supreme Court has also not kept pace with the growing demands on labour judiciary.

* D.K. Agarwal, Problems of Delay in Labour judiciary, op.cit.; Also see Dhabe (S.W.) 'Delay in Adjudication Causes and Removal', Indian Worker, Vol.5 No. 17-18, Jan.26, 1957, p.20.

As regards procedure as described earlier considerable discretionary powers are given to the adjudicating authorities in application of prescribed rules. Use of this discretion has caused delays and sometimes even encouraged tardy attitude in parties towards the adjudication machinery. It may, however, be wrong to put the entire blame on the labour judiciary for permitting laxity in adjudication proceedings. The reasons behind pre-hearing delays and interrupted proceedings are often circumstantial. At the conference of adjudicators, etc. held in Bombay, a member of the Industrial Court, Bombay, was of firm opinion that delays occur not on account of any laxity on the part of the presiding officers or parties, but by circumstances which were beyond control. Barring a few exceptions, adjournments were granted only for reasons force majeure. It was also mentioned that majority of adjournments were permitted on request of both the parties or on consent of the other party. The adjudication machinery may often be forced to accommodate the disputant parties which either due to their poor resources seek relaxation of procedural rules or because of their high-headedness, refuse to come round. Due to inadequate leadership, trade unions have often failed in ensuring timely attention to all cases pending for adjudication. Employers have acted in their defence by delaying their written statements and challenging the very jurisdiction of the Court/Tribunal to deal with matters in dispute. The Labour Courts/Tribunals have not hesitated in granting adjournments sought for carrying on mutual negotiations in their conviction that the latter might better ensure industrial peace. One of the members of the Industrial Court, Bombay was of the view at the Bombay Conference of Adjudicators etc. that expeditious disposal of the disputes may not always be expedient - parties should be given time leniently to carry on their negotiations and to arrive at settlements.

P A R T - IV

RECOMMENDATIONS

Despite the justification for delays in adjudication, on grounds of certain unavoidable circumstances and expediency for a more lasting industrial peace, any complacency about the functioning of the adjudication machinery may not be in the best interest of all. Legal delays are proverbial but may not be taken for granted. The following suggestions* can be considered for plugging up certain apparent loop-holes in the adjudication procedures, to rationalise work pressure on the authorities and, general improvement in the constitution of the adjudication machinery.

Pre-trial Stage

Pre-trial proceedings should start soon after a dispute is referred to the Court. All efforts should be made at this stage to bring about a settlement or to narrow down the points at issue instead of allowing adjournments for mutual negotiation during the hearing of a case. Parties should be called upon at this stage to first file all their written statements and then all the positive statements and documents on which they would be relying during the hearings. This would give to the other party time to examine the material before the hearings started and reduce the evidence to bare minimum. Rebuttal statements if necessary can be permitted at the time of hearings. Discontinuity of hearings should be avoided as far as possible since it loosens the grip of a case. Pre-trial hearings would to a great extent eliminate adjournments asked for filing of statements or for carrying on mutual negotiations

* These are inclusive of the salient points, emerged at the Bombay Conference of Adjudicators, Labour Advisers and Advocates.

by the parties. This would also hasten the writing of the award which takes more time when hearings are discontinuous.

This procedure has been prevailing in some of the advanced countries like U.S.A. In India, it has not been adopted even in civil cases. It may be attempted in industrial disputes to avoid delays. It would require considerable tightening of the procedure and a precise presentation of the case which may not be very easy for the individual workers or even the trade unions.

Small Causes Courts Procedure

The Labour Courts can adopt procedure followed by Small Causes Courts in dealing with discharge, dismissal and reinstatement cases. This would save time otherwise required for recording detailed evidence, and expedite their working.

Filing of Statements by the parties

Time-limits for filing all statements and exhibits before the hearings should be fixed and adhered to. In order to expedite the filing of the statements of the parties, the date of the hearings may be first fixed and the parties be asked to file their statements before that date. The parties should be made legally bound to file their written statements.

Precise Statements

The statements of the parties should be precise and definite and need not look like a treatise on industrial relations.

Affidavits

In order to reduce the time spent in taking evidence use of affidavits may be tried in certain cases. Where the Statement of the claim and the written statements included all relevant

points regarding the terms of reference, affidavits needs not be insisted upon. A decision regarding this can be taken on merits.

Adjournments

Adjournments should be minimised and permitted only in unavoidable cases. A ceiling on the number of adjournments to be allowed to a party and affixing of court fee on adjournment applications can be tried to restrict adjournments. While adjournments allowed for carrying on mutual negotiations may be desirable, they might sometimes be used for prolonging the dispute and pressurising management to come to terms. Go-slow tactics and organised indiscipline pending a decision must not be allowed.

Work-Load

Strength of Labour Judges has to be increased to cope with mounting work pressure. Annual work-load of a Labour Court/Judge can be fixed at 300 contested cases and 200 non-contested cases.

Time norms

Fixation of a time limit for adjudication may not be desirable, however, the norm period for completion of Labour Court proceedings should be six months and the Industrial Court should not take more than a year's time in making an award or decision.

Supervision of Superior Courts :

Scrutiny of inter-locutory orders of Industrial Court/Tribunal at the High Courts should be discouraged. Writ petitions and appeals to High Courts and Supreme Court need

to be minimised. This can be achieved firstly by a show of less willingness of the higher courts to interfere with industrial awards and secondly, by constituting a special authority - a Labour Appellate Tribunal (LAT) to entertain appeals against awards. The Labour Appellate Tribunal would have less time consuming procedure and should be able to give quicker decisions. While the LAT will not curtail the jurisdiction of High Court and Supreme Court resort to them can be minimised by the availability of a specially constituted appellate authority.

Composition of Adjudication Authorities

Judicial qualifications may not be insisted upon for selection of labour judges. Persons having experience in industry and labour problems can also be considered for such positions. Judicial qualifications may be deemed to be necessary for the presiding officers.

APPENDIX-I

BOMBAY INDUSTRIAL RELATIONS ACT, 1946.

SCHEDULE-I

(Section-35)

-
1. Classification of employees, e.g., permanent, temporary, apprentices, probationers, badlis, etc. (IA. Employees' tickets, cards, registers and service certificates).
 2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.
 3. (Shift working including notice) to be given to employees of starting, alteration or discontinuance of two or more shifts in a department or departments.
 4. Closure or reopening of a department or a section of a department or the whole of the undertaking.
 5. Attendance and late coming.
 6. Procedure and authority to grant leave.
 7. Procedure and authority to grant holidays.
 8. Liability to search and entry into premises by certain gates.
 9. Temporary (closures) of work including playing off, and rights and liabilities of employers and employees arising therefrom.
 10. Termination of (employment including notice) to be given by employer and employee.
 11. (Punishment including warning, censure, fine, suspension or) dismissal for misconduct, suspension pending inquiry into alleged misconduct and the acts or omissions which constitute misconduct.
 12. Means of redress for employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.

BOMBAY INDUSTRIAL RELATIONS ACT, 1946.

SCHEDULE- III

(Section-42)

.....

1. Adequacy and quality of materials and equipment applied to the workers.
2. Assignment of work and transfer of workers within the establishment.
3. Health, safety and welfare of employees (including water, dining sheds, rest sheds, latrines, urinals, creches, restaurants, and such other amenities.)
4. Matters relating to trade union organisation, membership and levies.
5. Construction and interpretation of awards, agreements and settlements.
6. Employment including -
 - (i) reinstatement and recruitment;
 - (ii) unemployment of persons previously employed in the industry concerned.
7. Payment of compensation for (closures).

APPENDIX-- II

INDUSTRIAL DISPUTES ACT, 1947.

THE FIRST SCHEDULE

.....

(See Section 2(n) (vi))

Industries which may be declared to be public utility services under sub-clause (vi) of clause (n) of Section 2.

1. Transport (other than railways) for the carriage of passengers or goods, (by land or water).
2. Banking.
3. Cement.
4. Coal.
5. Cotton Textiles.
6. Foodstuffs.
7. Iron and Steel.
8. Defence establishments.
9. Service in hospitals and dispensaries.
10. Fire Brigade service.
11. India Government Mint.
12. India Security Press.
13. Copper Mining.
14. Lead Mining.
15. Zinc Mining.
16. Iron Ore Mining.
17. Service in any oil field.
18. Any service in, or in connection with, the working of, any major port or dock.

INDUSTRIAL DISPUTES ACT, 1947

THE SECOND SCHEDULE
(SEE SECTION 7)

....

Matters within the jurisdiction of Labour Courts.

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
6. All matters other than those specified in the Third Schedule.

INDUSTRIAL DISPUTES ACT, 1947.

THE THIRD SCHEDULE
(SEE SECTION 7A)

.....

MATTERS WITHIN THE JURISDICTION OF INDUSTRIAL TRIBUNALS.

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.

T A B L E - 1

CASES DEALT BY LABOUR COURTS IN BOMBAY STATE (AT BOMBAY, AHMEDABAD, SHOLAPUR & JALGAON) FROM 1947 TO 1958.

.....

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958
1. Applications pending at the beginning of the year.			208	501	188	411	427	582	1123	1060	996	1648
2. Applications filed during the year.	48		1817	1395	1750	1802	1837	2839	2836	2880	3273	3116
3. Total cases before the Court			2025	1896	1938	2213	2264	3421	3959	3940	4269	4764
4. Applications decided during the year.	48	576	1530	1708	1527	1786	1682	2298	2899	2944	2621	2955
5. Applications pending at the end of the year			495	188	411	427	582	1123	1060	996	1648	1809
6. Percentage of applications pending out of the total cases before the Courts			24.4	9.9	21.2	19.3	25.7	32.8	26.8	25.3	38.6	38.0

Source :- 'Labour Courts and Wage Boards', Chapter V, Report of the Labour Department for the years 1946, 1947, 1948, Government of Bombay, Bombay, p. 43.

'Industrial Relations', Chapter III, Report of the Labour and Housing Department for the years 1949, 1950 and 1951, Government of Bombay, p. 4.

'Industrial Relations', Chapter III, Annual Administration Report of Labour Department for the year 1952, Government of Bombay, Bombay, p. 3.

'Industrial Relations', Chapter IV, Annual Reports on the Activities of Government pertaining to Labour Matters during 1953.....1958, Bombay.

T A B L E - 2.

CASES OF DISPUTES DECIDED BY THE LABOUR COURTS IN BOMBAY STATE FROM 1947 TO 1958

....

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958
Discharge and Reinstatement	24	155	585	889	691	591	600	817	790	865	769	770
Illegal changes	14	285	515	446	345	470	225	344	359	305	252	516
Illegal strikes	5	86	70	64	64	49	49	39	41	84	67	38
Others	5	47	360	309	427	676	808	1098	1709	1690	1512	1631
Total applications decided	48	576	1530	1708	1527	1786	1682	2298	2899	2944	2600	2955

Source : cp.cit.

T A B L E - 3.

RESULTS OF THE APPLICATIONS RECEIVED BY THE LABOUR COURTS IN BOMBAY STATE FROM 1947 TO 1958.

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958
1. Applications decided in favour of employers.	5	111	80	53	52	31	26	26	409	530	299	347
2. Decided in favour of employees	7	93	179	154	121	157	148	147	204	194	108	159
3. Mutual settlements	18	221	533	790	646	657	552	687	900	924	776	942
4. Total cases actually decided	30	425	792	997	819	845	726	860	1513	1648	1183	1448
5. Percentage of mutual settlements out of the total cases actually decided.	60	52	67.3	79.2	78.9	77.8	76.0	79.9	59.5	56.1	65.6	65.1
6. Cases dismissed	16	64	381	346	306	435	314	579	243	240	280	514
7. Cases withdrawn	2	73	355	365	402	506	642	859	1143	1056	1137	993
8. Total cases dismissed and withdrawn	18	151*	736	711	708	941	956	1438	1386	1296	1417	1507
9. Total applications before the Courts to be dealt with	48	576	1530**	1708	1527	1786	1682	2298	2899	2944	2600	2955

* In 14 cases the courts had no jurisdiction to decide the disputes.

** 2 cases in Ahmedabad were uncertain.

Source : op. cit.

T A B L E - 4.

C A S E S R E F E R R E D T O I N D U S T R I A L C O U R T , B O M B A Y , F R O M 1 9 4 7 t o 1 9 6 7 .

YEAR	Cases filed	Cases pending from previous year.	Cases on hand.	Cases decided	Cases withdrawn	Cases pending at the end of the year.	Percentages of cases pending at the close of the year out of the total cases on hand.
1947	226	107	333	134	74	125	37.5
1948	152	125	277	176	32	169	24.9
1949	567	69	636	316	-	320	50.3
1950	668	320	988	632	-	356	36.0
1951	538	356	894	500	-	394	44.1
1952	503	394	897	521	-	376	41.9
1953	474	376	850	587	-	263	30.9
1954	408	263	671	510	-	161	24.0
1955	697	161	858	427	-	431	50.2
1956	790	431	1221	709	-	512	41.9
1957	672	512	1184	675	-	509	43.0
1958	724	509	1233	668	5	565	45.8
1959	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
1960	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
1961	505	127	632	417	-	215	33.9
1962	409	215	624	435	-	189	30.2
1963	324	189	513	379	-	134	25.1
1964	420	134	554	401	-	153	27.8
1965	431	153	584	383	-	201	33.3
1966	424	201	625	251	-	374	59.8
1967	241	374	615	403	-	212	42.4

Source · 'Industrial ARbitration & Adjudication', Chapter IV, Report of the Labour Dept. for the years 1946, 1947 and 1948, Government of Bombay, Bombay, p. 38.
'Industrial Relations', Chapter III, Report of the labour and Housing Department for the years 1949, 1950 and 1951, Government of Bombay, Bombay, p. 4.
'Industrial Relations', Chapter III, Annual Report of Labour Dept. for the year 1952, Government of Bombay, Bombay, p. 3.
'Industrial Relations', Chapter IV, Annual Reports on the Activities of Government pertaining to Labour Matters during 1953....1958, Bombay. Office of the Industrial Court, Maharashtra.

N.A. = Not available.

T A B L E - 5.

NATURE OF CASES FILED EVERY YEAR IN THE INDUSTRIAL COURT, BOMBAY, FROM 1947 to 1967.

Year	References	Submissions	Appeals	Miscellaneous Applications.	Total cases filed
1947	44	12	4	166	226
1948	43	9	62	38	152
1949	195	80	213	79	567
1950	350	70	201	47	668
1951	256	15	210	57	538
1952	239	2	245	17	503
1953	182	12	256	24	474
1954	120	16	254	18	408
1955	320	13	323	41	697
1956	217	13	529	31	790
1957	319	9	293	51	672
1958	354	7	296	67	724
1959	N.A.	N.A.	N.A.	N.A.	N.A.
1960	N.A.	N.A.	N.A.	N.A.	N.A.
1961	167(include 2 restored matters)	3	268	67	505
1962	137	4	223	45	409
1963	141	-	149	34	324
1964	243	1	139	35	420
1965	274	-	99	58	431
1966	186	-	216	22	424
1967	128	3	82	28	241

.....

N.A. = Not available.

Source : op. cit.

T A B L E - 6.

DEMAND-WISE CLASSIFICATION OF REFERENCES FILED IN THE INDUSTRIAL COURT, BOMBAY, FROM 1947 TO 1958.

YEAR	Total references filed during the year.	PERCENTAGE OF TOTAL REFERENCES				
		Wages and Dearness Allowance	Bonus	Retrenchment and Reinstatement	Provident Fund and Gratuity.	Others
1947	44	N.A.	N.A.	N.A.	N.A.	N.A.
1948	43	N.A.	N.A.	N.A.	N.A.	N.A.
1949	195	21.5	15.4	47.2	1.0	14.9
1950	350	12.9	17.4	48.6	8.0	13.1
1951	256	17.6	21.1	29.3	10.2	21.9
1952	239	11.8	43.1	19.7	-	25.5
1953	182	17.0	23.6	17.0	1.1	41.2
1954	120	26.7	21.7	29.2	3.3	19.2
1955	320	15.9	22.2	4.7	21.9	35.3
1956	217	26.8	41.0	4.6	4.6	23.0
1957	319	18.8	30.7	0.3	17.2	32.0
1958	354	29.4	30.2	6.8	3.1	30.5

.....

Source : op. cit.

Table contd. (6-A)

N.A. = Not available
Source : op. cit.

T A B L E - 6-A.

DEMAND-WISE CLASSIFICATION OF REFERENCES FILED IN THE INDUSTRIAL COURT, BOMBAY, FROM 1959 to 1966

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YEAR	Total References filed during the year.	No. of references demand-wise					TOTAL
		Wages and dearness allowance	Bonus	Retrenchment and Reinstatement	Provident Fund & Gratuity	Cthers	
1959	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
1960	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
1961	167	76	54	-	10	61	201
1962	137	50	57	-	25	39	171
1963	141	33	74	-	3	59	169
1964	243	54	68	2	16	123	263
1965	274	73	80	1	55	110	319
1966	186	121	78	-	27	63	289

.....

N.A. = Not available.

Note:- Demands are overlapping therefore they will not tally with the total number of references filed during the year.

Source: Office of the Industrial Court, Maharashtra.

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T A B L E - 7.

REFERENCES DEALT BY COTTON TEXTILE WAGE BOARD FROM AUGUST, 1948 TO 1967.

	Aug.48 to Dec.48	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
References received	4	42	85	28	28	66	37	27	34	59*	39	42	31	77	21	13	6	21	5	3
References pending at the end of previous year		4	19	66	22	19	44	31	30	45	57	40	49	17	61	26	11	3	5	7
Total references on file		46	104	94	50	85	81	58	64	104	96	82	80	94	82	39	17	24	10	10
References disposed of		27	38	72	31	41	50	28	19	47	56	33	63	33	56	28	14	19	7	6
References pending at the end of the year		19	66	22	19	44	31	30	45	57	40	49	17	61	26	11	3	5	3	4
Percentage of cases pending out of the total on file		41.3	63.5	23.4	38.0	51.8	38.3	51.7	70.3	54.8	41.7	50	21	65	32	28	18	21	30	40

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* includes 1 reference for Wage Board for Cotton Textile Industry Vidarbha.

Sources : op. cit. & Office of the Wage Boards for the Cotton and Silk Textile and Sugar Industries, Bombay-I.

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T A B L E - 8.

REFERENCES DEALT BY WAGE BOARD FOR SILK INDUSTRY FROM 1949-1950 TO 1967.

	1949-1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
References received	14	14	4	13	20	34	33	51	28	12	13	7	7	8	8	4	2	4
References pending at the end of the previous year		12	23	5	4	12	30	42	85	31	23	17	16	19	7	9	7	5
Total references on file		26	27	18	24	46	63	93	113	43	36	24	23	27	15	13	9	9
References disposed of	2	3	22	14	12	16	21	8	82	20	19	8	4	20	6	6	4	1
References pending at the end of the year	12	23	5	4	12	30	42	85	30	23	17	16	19	7	9	7	5	8
Percentage of cases pending out of the total on file	85.7	88.5	18.5	22.2	50.0	65.2	66.7	91.4	26.5	53	43	67	83	26	60	54	56	89

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Sources : op. cit. & Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 9.

REFERENCES DEALT BY WAGE BOARD FOR SUGAR INDUSTRY FROM 1956 TO 1967.

.....

	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
References received	9	7	4	3	9	21	12	9	3	7	6	5
References pending at the end of the previous year		9	7	9	7	10	17	5	4	4	8	8
Total references on file		16	11	12	16	31	29	14	7	11	14	13
References disposed of		9	2	5	6	14	24	10	3	3	6	4
References pending at the end of the year	9	7	9	7	10	17	5	4	4	8	8	9
Percentage of cases pending out of the total on file	100	43.7	81.8	58	63	55	17	29	57	73	57	69

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Sources : op. cit. &
Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 10.

DECISIONS GIVEN BY WAGE BOARDS FOR COTTON TEXTILE INDUSTRY, BOMBAY, IN TERMS OF SETTLEMENT BETWEEN THE PARTIES
FROM 1953 TO 1967.

...

	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Total number of References disposed of	41	50	28	19	47	56	33	63	33	56	28	14	19	7	6
References disposed of in terms of settlement	27	31	20	19	42	43	30	49	27	54	20	13	19	5	6
Percentage of settlements out of the total References disposed of	65.8	62.0	71.4	100	89.4	76.8	91	78	82	96	71	93	100	71	100

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Sources : op. cit.

Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 11.

DECISIONS GIVEN BY WAGE BOARD FOR SILK TEXTILE INDUSTRY, BOMBAY, IN TERMS OF SETTLEMENT BETWEEN THE PARTIES FROM 1953 TO 1967.

.....

	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Total number of References disposed of	14	12	16	21	8	82	20	19	8	4	20	6	6	4	1
References disposed of in terms of settlement	7	6	8	17	4	75	18	6	5	3	13	4	3	2	1
Percentage of settlements out of the total References disposed of	50	50	50	80.9	50	91.5	90	32	63	75	65	67	50	50	100

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Sources : op. cit.

Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 12.

DECISIONS GIVEN BY WAGE BOARD FOR SUGAR INDUSTRY, BOMBAY, IN TERMS OF SETTLEMENT
BETWEEN THE PARTIES FROM 1957 TO 1967.

.....

	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Total number of References disposed of	9	2	5	6	14	24	10	3	3	6	4
References disposed of in terms of settlement	9	2	4	6	12	24	7	2	3	5	4
Percentage of settlements out of the total References disposed of	100	100	80	100	86	100	70	67	100	83	100

.....

S-ources : op. cit.

Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries,
Bombay.

T A B L E - 13.

DEMAND-WISE CLASS-IFICATION OF THE REFERENCES DISPOSED OF BY WAGE BOARD OF COTTON TEXTILE INDUSTRY, BOMBAY, FROM 1949 TO 1967.

Demands	Percentage of References disposed of																			
	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	
Wages, D.A.&Bonus	33.3	N.A.	2.8	6.4	17.1	8.0	7.1	10.5	17.0	5.4	18	8	6	4	4	-	-	29	17	
Rationalisation & Retrenchment	63.0		83.3	93.5	73.2	64.0	71.4	42.1	66.0	60.7	58	49	52	41	79	86	53	57	33	
Increase in number of workers, allotment of designations, fixation of work-load -			-	-	9.8	28.0	21.4	47.4	17.0	26.8	22	35	42	52	18	14	21	-	17	
Holidays, hours of work, other conditions and miscellaneous	3.7		13.9	-	-	-	-	-	-	7.1	3	8	-	2	-	-	26	14	33	
Total number of references disposed of	27		72	31	41	50	28	19	47	56	33	63	33	56	28	14	19	7	6	

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Sources : op. cit.

Office of the Wage Board for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 14.

DEMAND-WISE CLASSIFICATION OF THE REFERENCES DISPOSED OF BY SILK WAGE BOARD, BOMBAY, FROM 1951 TO 1967.

...

D e m a n d s	Percentage of References disposed of																
	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Wages, D.A.&Bonus	100	95.4	78.6	75.0	62.5	38.1	75.0	91.5	80	89	63	100	75	83	50	100	100
Rationalisation & Retrenchment	-	-	21.4	16.7	37.5	19.0	12.5	1.2	5	5	38	-	15	17	50	-	-
Increase in number of workers, allotment of designations, fixation of work-load	-	-	-	-	-	42.9	-	3.7	5	-	-	-	5	-	-	-	-
Holidays, hours of work, other conditions and miscellaneous	-	4.5	-	8.3	-	-	12.5	3.7	10	5	-	-	5	-	-	-	-
Total number of References disposed of	3	22	14		16	21		82	20	19	8	4	20	6	6	4	1

.....

Sources : Op. cit.

Wage Boards for the Cotton and Silk Textile and Sugar Industries, Bombay.

T A B L E - 15.

DEMAND-WISE CLASSIFICATION OF THE REFERENCES DISPOSED OF BY SUGAR WAGE BOARD, BOMBAY, FROM 1957 TO 1967.

... ..

	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Wages	88.9	50.0	60	17	86	79	30	67	67	17	25
Retrenchment	11.1		40	33	--	--	10	--	33	17	--
Increase in number of posts		50.0	--	50	14	21	60	33	--	67	75
Total number of References disposed of	9	2	5	6	14	24	10	3	3	6	4

Sources : op. cit.

Wage Board for the Cotton and Silk Textile and Sugar Industries.

CASES DEALT IN ADJUDICATION BY THE INDUSTRIAL TRIBUNAL, BOMBAY, FROM 1947 TO 1967.

Cases dealt in adjudication	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
Number of cases pending from the last year		32	55	99	216	157	282	193	113	176	183	240	NA	NA	256	381	460	711	642	629	629
Number of cases filed during the year.	39	95	155	414	682	818	563	498	633	485	669	691	NA	NA	486	737	1551	1236	882	846	1990
Total cases on the file	39	127	210	513	898	975	845	641	746	661	852	931	NA	NA	742	1118	2011	1947	1524	1475	2619
Number of 'References' out of the cases filed during the year.	NA	NA	155	192	205	158	154	171	191	214	307	447	NA	NA	209	297	490	387	475	434	465
Number of cases decided during the year.	7	72	116	297	741	693	702	528	570	478	612	520	NA	NA	361	658	1300	1305	895	846	1037
Number of cases pending at the end of the year	32	55	99*	216	157	282	143	113	176	183	240	411	NA	NA	381	460	711	642	629	629	1584
Percentage of cases pending out of the total cases on the file	82.0	43.3	47.1	42.1	17.5	28.9	16.9	17.6	23.6	27.7	28.2	44.1	NA	NA	51.3	41.7	35	32.1	41.9	44.9	60.1

Sources: op.cit.

* includes 5 cases which were pending before the Standardisation Committee.
NA = Not available

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DEMAND-WISE CLASSIFICATION OF REFERENCES FILED

TRIBUNALS, BOMBAY, FROM 1949 TO 1967.

	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967
1. Wages & Dearness Allowance	81	74	68	54	43	62	64	79	90	201	NA	NA	176	254	357	260	295	356	NA
2. Bonus	39	60	77	57	63	63	66	91	151	144	NA	NA	65	125	169	148	206	144	NA
3. Leave & Hours of work	5	8	4	11	5	7	8	8	11	13	NA	NA	59	68	125	51	27	80	NA
4. Provident Fund & Gratuity	7	10	14	9	9	17	8	9	20	17	NA	NA	45	70	102	75	87	72	NA
5. Retrenchment & Re-instatement	19	19	21	11	16	17	18	12	7	16	NA	NA	4	8	35	14	1	21	NA
6. Miscellaneous	4	21	21	16	18	5	27	15	28	58	NA	NA	72	117	180	78	167	102	NA
Total references filed	155	192	205	158	154	171	191	214	307	447	NA	NA	421	651	968	626	783	775	NA
Total references over wages,*dearness allowance and bonus	120	134	145	111	106	125	130	170	241	345	NA	NA	209	297	490	387	475	434	465
Percentage of such references* out of the total number of references filed	77.4	69.8	70.7	70.2	69.5	73.1	68.1	79.4	78.5	77.2	NA	NA	NA	NA	NA	NA	NA	NA	NA

Note :- Demands are overlapping therefore they will not tally with the total number of References filed during the year, 1961-1967.

*Since the demands are overlapping percentage cannot be worked out for the years 1961 to 1967.

Sources: 'Industrial Relations in Bombay State - 1950'; 1952, Labour Gazette Bombay for the years 1950-51 and 1952-53, volumes Nos. 30 & 32, p. 1241; p.1035.

'Industrial Relations', Chapter III, Report of the Labour and Housing Department for the years 1949, 1950 & 1951, Government of Bombay, Bombay, p. 4.

'Industrial Relations', Chapter III, Annual Administration Report of Labour Department for the year 1952, Government of Bombay, Bombay, p. 3.

'Industrial Relations', Chapter IV, Annual Reports on the Activities of Government pertaining to Labour Matters during 1953.....1958, Bombay.

Office of the Industrial Court, Maharashtra.