

## ADJUDICATION

**For adjudication of industrial disputes, in respect of which the Central Government is the appropriate Government, there were 17 Central Government Industrial Tribunals (CGITs)-cum-Labour Courts. Five new CGIT-cum-Labour Courts have been set up at Guwahati, Ahmedabad, Ernakulam (Cochin), Delhi and Chandigarh during the year taking the total number of CGITs to 22. In addition, the Industrial Tribunals-cum-Labour Court set up by the State governments and Union Territories Administrations are also utilized by the Central Government for adjudication of industrial disputes, where no Central Government Industrial Tribunal-cum-Labour Court is set up.**

3.42 In order to reduce the pendency of cases, Lok Adalats are being organized by the CGIT-cum-Labour Courts. So far, a total of 14 Lok Adalats have been organised and 559 cases settled.

## EMPLOYEES PARTICIPATION IN MANAGEMENT

3.44 The rationale of labour participation in management lies not merely in raising productivity and promoting industrial peace but more importantly in creating a sense of involvement of workers in the enterprises. Ministry of Labour is implementing a Plan Scheme for education and training of workers and monitoring/implementation of the scheme of Workers Participation in Management. The objective of this scheme is to develop a participative culture for successful implementation of the scheme of workers participation in management and to highlight the positive role which workers participation in management can play towards improvement in work culture and maintaining harmonious industrial relations.

3.45 During the year 2003-2004 Central Board of Workers Education, Nagpur, conducted 33 training courses - 31 at regional level and 2 at national level, to promote workers participation in management. In all, 1033 representatives of workers and managements were trained.

## AMENDMENT PROPOSALS TO THE INDUSTRIAL DISPUTES ACT, 1947

3.46 In the context of the on-going economic reforms, particularly in the wake of liberalization of industrial and trade policies, there has been a need for amending the Industrial Relations Law so as to re-orient it towards securing greater industrial harmony, enhancing production and productivity, creating an environment stimulating growth and attracting both domestic as well as foreign investment. The amendment proposals in the Industrial Disputes Act, 1947 are under consideration of the Government.

#### PLANTATIONS LABOUR ACT, 1951

3.47 Amendment proposals in the Plantations Labour Act, 1951 were deliberated upon in the meeting of the Tripartite Industrial Committee on Plantations Labour held on 03.04.2002, under the Chairmanship of Union Labour Minister. Pursuant to the decision taken in this meeting, an Inter-Ministerial Committee, including representatives from the State governments of Assam, West Bengal, Kerala and Tamil Nadu were constituted to look into various issues concerning the plantation sector. The report submitted by the Inter-Ministerial Committee has been circulated among the concerned Ministries and the State Governments.

#### INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL (AMENDMENT) RULES, 2003

3.48 The Government have amended the Industrial Employment (Standing Orders) Central Rules, 1946 to include “Fixed Term Employment Workman” in the Schedule of the Industrial Employment (Standing Orders) Act, 1946 and Model Standing Orders annexed to the Industrial Employment (Standing Orders) Central Rules, 1946 vide Notification GSR No.936 (E) dated 10.12.2003 published in the Gazette of India.

3.49 A fixed term employment workman will be engaged on the basis of contract of employment for a fixed period. However, his working hours, wage allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman, proportionately according to the period of service rendered by him, even though his period of employment does not extend to the qualifying period of employment required in the

Statute. The proposed amendments will improve suitably the work culture and productivity, at the same time ensuring social security to the workman employed on fixed term basis.

### **Monitoring of Industrial Relations**

3.50 The Labour Relations Monitoring Unit, set up in 1981, monitors the extent of industrial harmony based on the information that it collects on the number and spatial dispersion of strikes/lockouts, number of workers involved and man days lost, number of units reporting retrenchment and the extent of lay offs.

3.51 Although the total number of strikes and lockouts declined by 15.5% in 2003, yet workers affected due to these disturbances increased by 46.2% as compared to 2002.

3.52 The spatial/industry-wise dispersion of the number of strikes and lockouts and the workers involved/affected as a result of this is not uniform. Among States, West Bengal, Tamil Nadu, Andhra Pradesh and Gujarat were the most affected. Among the industry groups, textiles, engineering, chemicals and coal mining recorded maximum number of strikes and lockouts.

3.53 Man-days lost is a direct measure of the impact of industrial unrest on the workmen. At the aggregate level, man-days lost due to strikes and lockouts has decreased by 18.1% in 2003. During 2003, the man days lost due to strikes and lockouts were 2 million and 20 million respectively.

3.54 Most of the industrial unrest, as indicated by the strikes and lockouts has been primarily related to indiscipline, violence, non-payment of wages and salaries and personnel matters.

### **Closure**

3.55 The number of units effecting closure decreased to 88 in 2003 as compared to 213 in 2002 and consequently the workers affected due to this also declined to 6978 from 10025 in 2002.

## **Lay-Off**

3.56 Lay-off can be defined as the failure, refusal or inability of an employer on account of shortage of power, raw materials, accumulation of stocks or breakdown of machinery, to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched. It is usually an indication of the supply side bottlenecks faced by the industrial unit leading to low capacity utilization.

## **Retrenchment**

3.57 While the number of units reporting retrenchment decreased from 98 during 2002 to 67 in 2003, the number of workers retrenched also decreased from 3875 to 2593 during the same period. Nearly 93% of the units reporting retrenchment were in the State sphere during 2002.

## **INDUSTRIAL TRIPARTITE COMMITTEES**

3.58 Several industrial tripartite committees have been constituted with the view to promote the spirit of tripartism. These tripartite bodies aim at solving the industry specific problems related to workers in the Cotton Textile Industry, Electricity Generation and Distribution, Jute Industry, Road Transport and Engineering Industry. Meetings of the Industrial Tripartite Committees on 'Road Transport', 'Jute Industry' and 'Cotton Textiles industry' were held on 10<sup>th</sup> April, 25<sup>th</sup> August, and 15<sup>th</sup> December 2003 respectively.

3.59 Government's proactive role through timely and effective conciliation of industrial disputes and involvement of social partners in the tripartite forums has successfully harmonized the interest of the employers and the workers resulting in a change of attitude from confrontation to that of co-operation.