

INDUSTRIAL RELATIONS

CENTRAL INDUSTRIAL RELATIONS MACHINERY (CIRM)

3.1 Chief Labour Commissioner's (Central) Organisation, also known as CIRM is an attached office of the Ministry. The CIRM is headed by the Chief Labour Commissioner (Central). It has been entrusted with the task of maintaining Industrial Relations, enforcement of Labour Laws and verification of Trade Union Membership in central sphere. CIRM has complement of 25 officers at the Head Quarters. In the field, the machinery has a complement of 253 Officers. The offices of these Officers are spread over different parts of the country with zonal, regional and unit level formations.

FUNCTIONS OF THE ORGANISATION

3.2 The function of CRIM broadly consist of settlement of industrial disputes, enforcement of labour laws in Central sphere and verification of membership of trade unions. (Box 3.1)

Box 3.1

FUNCTIONS OF CRIM

- (i) Prevention and settlement of Industrial Disputes, in central sphere;
- (ii) Enforcement of Labour Laws and Rules made thereunder in central sphere;
- (iii) Implementation of awards.
- (iv) Quasi Judicial functions.
- (v) Verification of the membership of the Trade Unions.
- (vi) Welfare.
- (vii) Other Miscellaneous functions.

PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES

3.3 The CIRM ensures harmonious Industrial Relations in the central sphere Establishments through: -

- 1) Monitoring of Industrial Relations in Central Sphere.
- 2) Intervention, mediation and conciliation in Industrial Disputes in order to bring about settlement of disputes.

- 3) Intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts.
- 4) Implementation of settlements and awards.
- 5) Enforcement of other provisions in Industrial Disputes Act relating to: (i) Works Committee, (ii) Recovery of Dues, (iii) Lay off, (iv) Retrenchment, (v) Unfair Labour Practices etc.

3.4 During the year 2001-2002 the CIRM intervene in 630 threatened strikes and its conciliatory efforts succeeded in averting 622 strikes which represents a success rate of 98.7%. The machinery handled the Industrial Disputes during the year 2001-2002 as given in the following table:

No. of Disputes Received by CIRM	No. of Disputes which were considered unfit for intervention by CIRM,	No. of Disputes which were settled without holding formal conciliation proceedings	No. of Disputes which formal C.P. were held	No. of Disputes in which conciliation Proceeding led to the settlement of Disputes	No. of Disputes in which conciliation Proceedings ended in failure	No. of Disputes Pending with the CIRM on the close of the year
12388	13	2860	8303	764	4372	4085

ENFORCEMENT OF LABOUR LAWS

3.5 Another important function of CIRM is enforcement of Labour Laws in the establishments for which Central Government is the appropriate Government. The machinery enforces following Labour Laws and Rules framed thereunder :

- a) Payment of Wages Act 1936 & rules made thereunder for Mines, Railways, Air Transport Services & Docks, Wharves and Jetties.
- b) Minimum Wages Act 1948 and rules.
- c) Contract Labour (Regulation & Abolition) Act, 1970 and rules
- d) Equal Remuneration Act 1976 & rules.
- e) Inter State Migrant Workmen (RE&CS) Act 1979 and rules.
- f) Child Labour (Prohibition & Regulation) Act, 1986 and rules.
- g) Payment of Gratuity Act, 1972 and rules.
- h) Labour Laws (Exemption from Furnishing returns and Maintaining Registers by certain Establishments) Act 1988.
- i) Building and other constructions workers (RE&CS) Act, 1996 and rules.
- j) Chapter VI-A of Indian Railway Act; Hours of Employment Regulations for Railways Employees

- k) Industrial Employment (Standing Orders) Act, 1946 & Rules.
- l) Maternity Benefit Act, 1961 (Mines and Circus Rules, 1963); & Rules.
- m) Payment of Bonus Act, 1965

3.6 There are approximately 1.5 lacs establishments in the Central Sphere. The Inspecting Officers of CIRM inspect these establishments under different Labour enactments through routine Inspections and Special Drives for Inspections under the crash inspection programmes and taskforce inspections to secure benefits of the beneficial legislations to workers. Special emphasis is given to enforcement of beneficial enactments such as CL (R&A) Act and M.W. Act and B.O.C.W. Act in the unorganised Sector. Prosecutions are launched against persistent defaulters and in respect of major violations. During the year 2001-02 CIRM officers carried out 34968 inspections, rectified 360712 irregularities, launched 16040 prosecutions and secured 7475 convictions of defaulting employees.

**STATEMENT SHOWING NO. OF INSPECTIONS ETC.
UNDER VARIOUS LABOUR LAWS**

No. of Inspections	No. of Irregularities		No. of Prosecutions launched	No. of Convictions
	Detected	Rectified		
34968	344682	360712	16040	7475

IMPLEMENTATION OF AWARDS

3.7 Awards issued by CGITs are implemented by the officers of CIRM. During the year 2001-2002, 1018 awards were received (including BF). Out of these 189 were implemented, implementation of 471 Awards was in progress, implementation of 275 Awards was stayed by High Courts & implementation of 83 Awards was pending due to other reasons. Difficulties in implementing the awards are experienced as employers bring stay orders from High Courts on implementation. Besides, sanction for prosecution of employers by the employing Ministries as required under section 197 of CrPC seldom comes. .

QUASI-JUDICIAL WORK

3.8 The CIRM officers from the level of ALC(C) upto the level of CLC(C) also perform certain Quasi Judicial Functions as shown below :

- CLC(C) - Director General(Inspection) under BOCW(RE&CS) Act
Appellate Authority under IE (SO) Act.
- Jt. CLC(C) - Appellate Authority under IE (SO) Act.
- Dy. CLC(C) - Appellate Authority under IE (SO) Act. Authority under Rule

25(2)(v)(a) and (b) of CL (R&A) Central Rules.

RLC(C) - Authority under M.W. Act. Appellate Authority under

CL(R&A) Act, P.G. Act, E.R. Act. Certifying officer under I.E. (SO) Act, Supervisor of Railway Labour under HOER

ALC(C) - Controlling Authority under P.G. Act, Authority under E.R.

Act, Registering and licencing Officer under C.L. (R&A) Act.

3.9 The cases decided by these officers under some of the above enactments/ rules during the year 2000-01 are given in the table 3.1 below.

Table 3.1

Nature of Quasi Judicial Work	Cases/Applications/ Claims B/F from previous year	Cases/ Applications/ Claims received during the year	Total	Cases/ Applications/ Claims disposed off	Amount Awarded
Gratuity Applications under P.G. Act	2106	1804	3910	1634	28065574
Gratuity Appeals by RLCs under P.G. Act.	479	375	850	414	--
Claim applications by RLCs(C) under M.W. Act.	5362	1104	6466	1121	8668623.69
Applications for certification/ modification of Standing Orders by RLCs(C)	124	84	208	95	--
Cases under BOCW Act	Nil	130	130	50	67000

VERIFICATION OF TRADE UNION MEMBERSHIP

3.10 Verification of Trade Union Membership for recognition under code of Discipline.

- a) by Record Checking and Sampling.
- b) Secret Ballot.

During the year 2001-02 the Officers of CIRM completed verification under Code of Discipline in 13 establishments. Out of these in 10 establishments the verification was conducted through secret ballot.

VERIFICATION FOR APPOINTMENT OF WORKMEN DIRECTOR IN:

- a) State Bank of India and its subsidiaries (Appointment of Employee Directors) Rule, 1947.
- b) Nationalised Banks (Management and Miscellaneous provisions) Scheme 1980.

Statutory verifications for the purpose of appointment of workmen Directors was completed in 6 Banks during 2001-02

GENERAL VERIFICATION OF CENTRAL TRADE UNIONS BY CHECKING RECORDS AND SAMPLING

Verification of membership of unions affiliated to the Central Organisations of Workers in the country is one of the important functions of this organization. Representations of Labour on the tripartite bodies, development councils, committees, boards, etc., at national and international level (including ILO) is granted on the basis of the results of general verification.

Ministry of Labour vide their order No. L-60011/2/84-Imp. Decided to conduct verification of membership of trade unions affiliated to Central Trade Union Organisations with December 31st, 1997 as the date of reckoning. However, the matter pertaining to date of reckoning is subjudice and hearing on regular basis is going on in Delhi High Court.

MISCELLANEOUS FUNCTIONS

3.11 The CIRM performs the following miscellaneous functions also:

1. Conducting periodic meetings of Minimum Wages Advisory Board and notifying V.D.A. every six months as per A.I.C.P.I. number.
2. Defending M.O.L. in Writ Petitions filed against Ministry in different High Courts.
3. Investigations of Complaints as per direction of the Ministry.

4. Assisting Central Advisory Contract Labour Board as convenors of different sub-committees to examine prohibition of contract Labour in different employments.
5. Assisting Ministry in preparation of different reports required to be submitted to I.L.O.
6. Supplying information to Ministry in replying Parliament Question on statutes enforced by CLC(C) organization.
7. Advising M.O.L. in Conflict situations like strikes of All India Nature and other Labour matters.
8. Attending to Parliamentary Committees and other important delegations as per advice of the Ministry.
9. Keeping Liaison with State Government Labour Departments for collection of information as per direction of Ministry.
10. Assisting M.O.L. in training of C.L.S. officers.

WELFARE

3.12 Chief Adviser (Labour Welfare) supervises the functioning of Asstt. Labour Welfare Commissioners (ALWCs), Dy. Labour Welfare Commissioners (DLWCs) and Labour Welfare Commissioners (LWCs). The ALWCs and DLWCs are posted in Defence and other establishments such as CPWD, Security Presses, Mints, Ordnance Factories, Telecom Factories, Hospitals etc., which are under the control of Central Government. The LWCs are posted at the Head Quarters of these establishments. Together these officers ensure harmonious Industrial Relations in their respective establishments. They also look after the welfare and redressal of grievances of the workers, administration of Welfare Schemes and advise the managements on various Labour Matters including constitution of bilateral committees such as Shop Councils, Works Committees etc.

MAJOR INDUSTRIAL RELATION EVENTS DURING THE YEAR 2001-2002 IN WHICH CIRM PLAYED IMPORTANT ROLE

NON COAL MINES

3.13 The General Secretary All India NMDC Workers Federation sought intervention of CLC(C) under his letter dated 18.7.2001 to settle the unresolved issues relating to revision of wages and other fringe benefits of the workmen of National Mineral Development Corporation Ltd. Management of NMDC Ltd also vide their letter dated 18.7.2001 requested for the intervention of CIRM to finalise the long term wage settlement for their workman. Accordingly, Jt. CLC(C) held conciliation proceedings on 17.8.2001 at Hyderabad and brought about memorandum of settlement under section 12(3) of I.D act 1947. By this settlement, basic pay of the lowest paid workmen of the NMDC has been raised to Rs. 4200/- per month. In general, the workmen would get a rise of 38% of their total pay. About 4900 workmen will be benefited by this settlement. The period of settlement is ten years, i.e. from 1.1.97 to 31.12.2006.

OIL SECTOR

3.14 Ten unions operating in Bharat Petroleum Corporation Ltd. Jointly served strike notice dated 15th June, 2001 on the Management of BPCL proposing to go on an all India strike from 3rd July, 2001 to 5th July, 2001 over the issue of early finalisation of long term wage settlement. The Management of BPCL requested CIRM to intervene in the matter. Accordingly Dy.CLC(C) intervened in the dispute and held conciliation Proceedings on various dates.

During the course of Conciliation Proceedings held on 19.8.2001 three unions out of ten union viz. Petroleum Employees Union Mumbai, Bharat Petroleum Karamchari Union Mumbai and Petroleum Employees Union Calcutta arrived at a settlement. But other unions did not agree to the offer of the management and requested for adjournment of the proceedings. Shri G.R. Majhee, Jt CLC(C) held final round of Conciliation Proceedings on 11.9.2001. After prolonged discussions and persuasions the dispute was resolved and memorandum of settlement was brought about which will be effective for a period of ten years with effect from 1.7.98. About 7013 employees/workers would be benefited by this settlement. On an average there would be hike of 52.73% in the existing pay/emoluments of the employees/workers.

FOOD CORPORATION OF INDIA

3.15 FCI Workers Union affiliated to INTUC resorted to stoppage of work amounting to strike w.e.f. 20.9.2001 in 25 FCI Depots in Andhra Pradesh region. On the request of Regional Manager FCI Hyderabad and the establishments being a public utility service initially RLC(C) Hyderabad and subsequently Dy. CLC(C) Bangalore intervened in the matter and held conciliation proceedings on different dates starting from 21.9.2001.

The main demands of the union inter alia, were related to (1) Induction of 575 left out workers during introduction of DPS (2) Implementation of extra payment to Sardar and Mandal as agreed by the Management (3) Compassionate appointment to the next kin of the deceased workers as agreed by the Management (4) Workers related to CWC and matters relating to their transfer and placement.

RLC(C) Hyderabad held conciliating proceedings on day-to-day basis and after lot of efforts a broad understanding could reach between the parties on item (1) to (3). However, stalemate continued on item (4) as the management was not willing to discuss the matter on the ground that it is sub-judice. Subsequently Dy. CLC(C), Bangalore held conciliation proceedings on 8.10.2001 and 9.10.2001 and after protracted discussion and deliberation brought about a memorandum of settlement under section 12(3) of ID Act 1947.

PORT AND DOCK

3.16 All India Port and Dock Workers' Federation (HMS) raised an Industrial dispute regarding nonpayment of Productivity linked incentive for the financial year 2000-2001 along with a threat of indefinite strike. The other, four federations viz. All India Port and Dock Workers' Federation (Workers) HMS, Water Transport Workers' Federation of India (CITU), Indian National Port and Dock Workers' Federation and Port, Dock and Water Front Workers Federation (AITUC) also raised similar dispute. Conciliation proceedings were held on various dates by

RLC(C). Indian Port Association and Dock Labour Boards were also made parties to the dispute.

After prolonged discussion RLC(C) Mumbai brought about settlement under Section 12(3) of ID Act 1947 which would bring monetary benefit to the tune of Rs.60 crores to nearly 1 lac workmen.

CONSTRAINTS OF ENFORCEMENT MACHINERY

3.17 Though the industrial activity and the volume of trade and business as also the number of laws on the statute book have increased considerably, the enforcement machinery has not kept pace with the same. Numerically, the machinery is too inadequate. In central sphere alone there are about 1.5 lakh establishments as against which there are 125-130 Labour Enforcement. Officers effectively available at a given point of time for enforcement work.

They (along with few inspections every month by Assistant Labour Commissioners) are able to carry out about 30,000 inspections in a year which means inspection of each of 1.5 lakh establishments once in 5 years or so. They are provided with very poor infrastructural back up. Though each LEO(C) is required to cover 5 to 6 districts no vehicles or modern communication system are provided to them. They have been assigned multifarious functions e.g. conciliation work (in some of the cases) verification of membership of trade unions and enquiries into complaints, representations, VIP references etc. The problems get compounded as after the inspections they are also required to file as well as conduct the prosecution/claim cases before the appropriate courts/authorities. There are several instances where cases in courts situated in different directions were fixed for hearing on the same day and cases were dismissed in default on account of non-appearance of inspecting officer. In spite of the observations and advice of the apex court in various cases that the judicial magistrates should take the labour cases more seriously, these cases continue to get least priority. Inspecting officers are summoned for producing evidence even after they are transferred to other places or after their superannuation/retirement from service.

The punishments prescribed for infringements which are mostly fines are very low under most of the statutes (except a few of them) but the fines imposed by the magistrates are generally much less than what are prescribed. All this does not create any deterrent effect and only emboldens the offending employers to continue to violate the provisions of law as complying with the same is costlier alternative than paying a paltry sum as fine.

ADJUDICATION

3.18 There are 17 Central Govt. Industrial Tribunal-cum-Labour Courts (CGITs) constituted by Labour Ministry dealing with the industrial disputes in respect of which the Central Government is appropriate Government. Of these 17 CGITs, two each are located at Mumbai and Dhanbad and one each at Asansol, Bangalore, Bhubneshwar, Chandigarh, Chennai, Hyderabad, Kolkata, Kanpur, Lucknow, Jabalpur, Jaipur, New Delhi and Nagpur. It is also proposed to set up five more CGIT-cum-Labour Courts during 2001-2002 at Ahmedabad, Chandigarh, Delhi and Ernakulam (Cochin) (the CGIT-cum-Labour Courts proposed in Delhi and Chandigarh will be in addition to one each already existing).

3.19 In order to reduce the pendency of cases and to tide over this pendency issue, to hold Lok Adalats in CGITs, the first of which was held on 09.11.2001 where the response of employers and employees and their

respective unions had been encouraged. This is one of Ministry's on going scheme of activities to liquidate the pendency.

3.20 The Industrial Tribunals and Labour Courts set up by the State Governments and Union Territory Administrations are also utilized by Central Government for adjudication of Industrial Disputes and disposal of applications under Section 33 C (2) of the Industrial Disputes Act, 1947 in the Central Sphere. Data of the number of cases and applications handled by the CGIT-cum-Labour Courts during the year 2001 (as on 30.10.2000) are furnished in Table 3.2.

EMPLOYEES PARTICIPATION IN MANAGEMENT

a) The Participation of Workers in Management, Bill 1990:

3.21 The rationale of labour participation in management lies not merely in rising productivity and promoting industrial peace but more importantly in crating a sense of involvement of the workers in the enterprise. In 1975, the constitution was amend3ed and Article 43(a) was inserted in the Directive Principles of State Policy to encourage and secure the participation of workers in management.

3.22 The Participation of Workers in management Bill, 1990 was introduced in the Rajya Sabha on 30.5.90. This Bill had been referred to the parliamentary Standing Committee on Labour and Welfare. This Bill is still under consideration of the Standing Committee.

b) Plan Scheme for Education and Training to promote Workers Participation in Management:

3.23 During the year 2001-2002, Central Board for workers Education, Nagpur will conduct 28 training courses to promote worker's Participation in Management (Two courses at National level and 26 courses will be conducted at the Indian Institute of workers' Education, Mumbai and Regional level courses at their Regional Centers. The Total proposed cost of project is Rs.2,54,000/-.

THE TRADE UNIONS (AMENDMENT) BILL, 2001

3.24 The Trade Union (Amendment) Bill, 2001 has been passed by the Rajya Sabha and Lok Sabha on 2.8.2001 and 24.8.2001 respectively. The Hon'ble President has given ascent to this Bill 3.9.2001. The Act has been published in the Gazette of India. The thrust of the Act is to ensure reducing multiplicity of Trade Unions, orderly growth of Trade Unions and promoting internal democracy.

3.25 The Industrial Disputes (banking Companies) Decision Act, 1955 has been repealed.

INDUSTRIAL DISPUTES ACT, 1947

3.26 The Government has received certain proposals for amendments to the Act and these are under consideration of the Government.

PLANTATIONS LABOUR ACT, 1951

3.27 The Government has received certain proposals for amendments to the Act and these are under consideration of the Government.

MONITORING OF INDUSTRIAL RELATIONS

3.28 The Labour Relations Monitoring Unit was set up in the Ministry of Labour in 1981 for monitoring information on industrial relations throughout the country. Its objective was to resolve, industrial disputes and contain general industrial unrest through preventive mediation. The unit monitors the extent of industrial harmony on the basis of the information it collects on the number of strikes/lockouts, its spatial distribution, the number of workers involved in it, and the manday lost. The number of units reporting retrenchment and the extent of lay offs are also important variables affecting industrial relations.

STRIKES & LOCKOUT

3.29 The current year has seen a significant improvement in industrial relations. The number of strikes and lockouts and more importantly the number of workers affected due to these disturbances has shown a significant decline. During January-September, 2001, the number of strikes and lockouts declined by 16.6% and 8% respectively as compared to the same period in the previous year. The decline in the number of workers involved in the unrest by 32% has been extremely significant as compared to that of the previous year. At the sectoral level too, there has been a promising improvement in the quality of industrial relation across all sectors.

3.30 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, Gujarat and Andhra Pradesh were the most affected. Among the industry groups, textile (170), engineering (110) and coal mining (75) showed considerable worsening in the quality of industrial relations. It is pertinent here to note, that most of these industry groups have been the worst affected by industrial sickness.

3.31 Man-day lost in a direct measure of the impact of industrial unrest on the workmen. At the aggregate level, man-day lost due to strikes and lockouts has shown a significant increase of about 29% in January-September, 2001 as compared to the same period in the previous year. Much of the increase in the man-days lost has been due to a sharp rise in lockouts as compared to a very slight rise in strikes. However, intervention of CIRM in promoting industrial harmony was evident from the fact that the man-days lost in the center sphere declined sharply from 1.19 million in Jan-Sept. 2000 to 0.52 million in Jan.-Sept., 2001. A sectoral break up of man-days lost in Public and Private Sectors shows that Public sector accounted for only 4.8% of the total man-days lost.

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

CLOSURE

3.33 Except in case of 1998, number of closures has shown a steady decline since 1996. The number of units effecting closure decreased from 159 to 138 between 1999 and 2000. The workers affected as a result of this also declined from 15707 to 11904 during this period. During January-September, 2001, 60 industrial units closed down as compared to 78 in January-September, 2000. The number of workers affected in January-September, 2001 were 2572 as compared to 3536 in January-September, 2000.

LAY-OFF

3.34 Lay-off can be defined as the failure, refusal or inability of an employer on account of shortage of power raw materials or the accumulation of stocks or the 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.

While, the total number of units effecting lay-offs declined from 239 during 1999 to 208 in 2000, the number of units effecting lay-offs increased from 144 in January-September, 2000 to 147 in January-September, 2001. However, the total number of workers affected as a result of this declined sharply from 25547 in January-September, 2000 to 14798 in January-September, 2001. In 2001, workers affected due to lay-offs in the centre sphere accounted for only 10.2% of the total workers affected as compared to 58.7% in the previous year.

RETRENCHMENT

3.35 The number of units reporting retrenchment declined from 176 during 1999 to 109 during 2000 while the workers retrenched increased from 2503 to 2963 during the same period. Nearly 90% of the units reporting retrenchment were in the State sphere. During January-September, 2001, 88 units retrenched 1490 employees as compared to 84 units and 2367 retrenched employees in January-September, 2000. Of the 88 units that have effected retrenchment 87 units are in the state sphere.

RE-CONSTITUTION OF SPECIAL TRIPARTITE COMMITTEE/INDUSTRIAL TRIPARTITE COMMITTEES

3.36 In order to promote the spirit of tripartism several industrial tripartite committees have been constituted. These tripartite bodies aim at solving the industry specific problems related to workers in the Sugar industry, Cotton Textile industry, Electricity Generation and Distribution, Jute industry, Road transport, Engineering industry and Chemical industry. In addition a Special Tripartite Committee has been constituted to discuss general matters pertaining to Government reforms policies and their impact on workers.

3.37 A meeting of the Tripartite Industrial Committee on Engineering Industry was held on 28th May, 2001. The Committee recommended that:

- (i) There should be more frequent social dialogue/tripartite meetings to discuss the impact of economic reforms and globalisation of Indian industry and labour and to take the social partners into confidence about the policies of the Government.
- (ii) The management should take necessary measures to enhance productivity/ efficiency/competitiveness through better management, up gradation of technology, involvement of workers in decision making, etc.
- (iii) Efforts should be made to revive sick companies, including PSUs, more expeditiously.
- (iv) The training/ skill development of workers should be in tune with changing work/job requirements in order to minimize redundancies.
- (v) Labour laws and inspections should be simplified, specially for the small scale industries. However, at the same time, it should be ensured that labour laws are not violated to the detriment of workers.
- (vi) The social security scheme should be strengthened, made more effective and widened in scope and coverage.
- (vii) There should be a Voluntary Retirement Scheme (VRS) in State public enterprises and the private sector.

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 employers and workers resulting in a change of attitude from that of confrontation to that of collaboration.

CONSTITUTION OF THE NATIONAL TRIBUNAL

3.38 Section 10(I-A) provides that where the Central Government is of the opinion that any Industrial Dispute exist or is apprehended and the dispute involves any question of national importance or is of such a nature that industrial establishments situated in more than one state are likely to be interested in or affected by such dispute and that dispute should be adjudicated by a National Tribunal then the Central Government may, whether or not it is the appropriate government in relation to that dispute, at any time, by order in writing, refer the dispute, whether it relates to any matter specified in second or the third schedule to a National Tribunal for adjudication.

3.39 The Ministry of Labour on receipt of a representation from the concerned parties examines the matter in consultation with the concerned parties and if satisfied can make a reference to the National Tribunal. Two references to the National Tribunal have been made during the year. The first reference was regarding the dispute between the management of major ports and their workmen represented by Five Federation of Trade Unions. The dispute involved issues relating to deployment of workers for handling cargo on board and on shore and the need to fix uniform manning scales in major ports. The second dispute referred to the national tribunal was between the management of FDC Ltd. and the Medical Representatives of India. The issues raised in the dispute were related to the action of the management in terminating the 58 medical representatives and to decide the nature of relief medical representatives were entitled to.

STUDY OF RESTRUCTURING PROCESS OF CENTRAL PUBLIC SECTOR UNDERTAKINGS

3.40 The Industrial Relations Division of the Ministry has been studying the restructuring process of the Central Public Sector Undertakings and has been giving views from time to time on proposals of closure, rehabilitation of sick CPSUs, disinvestments, and other related matters regarding the interest/welfare of the workers. The Division also monitors the position of outstanding statutory dues of workers employed in CPSUs.

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ARBITRATION BODY

BOARD OF ARBITRATION (JOINT CONSULTATIVE MACHINERY)

3.41 The Government of India had introduced in 1966 a scheme for Joint Consultative Machinery and Compulsory Arbitration for resolving differences between the Government, as employer, and the general body of its employees.

3.42 The Scheme provides for Compulsory Arbitration on pay and allowance, weekly hours of work and leave of a class or grade of employees.

3.43 Under the Scheme, the Board of Arbitration (JCM) was set up in July, 1968. The Board consists of a Chairman and two other Members. The Chairman is a whole time person. The Ministry of Labour appoints the other two Members at the time of referring the dispute to the Board out of a panel of Members both from the Staff Side as well as from the Official Side maintained by it.

3.44 Till 31st July, 2001, 249 Cases had been referred to the Board and Board has given its Award in 244 Cases.

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