

63. Settlement of labour disputes.-

The labour disputes shall be resolved by resorting to following methods, in order of preference:

- a) By negotiations between the employer and the workers in the process of collective bargaining;
- b) By intervention of the Mediator, either suo motu or at the instant of either or both the parties to the dispute; and
- c) By reference of the dispute by either or both the parties or the appropriate Board to the Adjudicator.

64. Bilateral Negotiations.

- i) Upon receipt of the demand or demands by (1) the employer from the workers, he shall carry on negotiations with the workers or their representative determined in the prescribed manner, and shall hold discussions with them from time to time, with a view to exploring possibilities of a settlement of the labour dispute.
- 2) If the labour dispute or a part of the labour dispute is settled, the employer and the representatives of

the workers shall draw up a memorandum of settlement, in the prescribed manner and send a copy thereof to the Mediator for the area and the appropriate Board. The Mediator shall register the same in a prescribed register kept separately for the purpose and intimate the fact of registration to the parties by a Certificate issued under his signature and seal.

65. Mediation proceedings.-

1) If the labour dispute as aforesaid is not settled within a period of six weeks from the time of service of the demand or demands on the employer, the employer and the workers or their representatives in the prescribed manner shall intimate the Mediator for the area their inability to settle the labour dispute.

2) On receipt of intimation the Mediator shall initiate mediation proceedings in the labour dispute, within a week of receipt of such notice.

3) The Mediator shall carry on negotiations with the parties either jointly or severally, and try to bring about a fair and amicable settlement of the labour dispute, and where necessary shall call a compulsory conference which the parties should be bound to attend.

4) If the labour dispute or part thereof is settled, a memorandum of the settlement shall be drawn, in the prescribed manner and the settlement shall be registered with the specified Officer of the Board.

5) If no settlement is possible, the Mediator shall make a report to the Board and intimate the parties accordingly.

65. Adjudication proceedings.--

On the failure of the mediation proceedings, either of the parties, i.e. the employer or the workers or their representatives jointly or the appropriate Board in the prescribed manner may refer the labour dispute for adjudication to a Member of the Board representing Judicial service.

67. Notice of change by the employer.--

- (1)(i) When an employer desires to effect any change in the terms of employment or conditions of service, the employer shall give a notice of change to the workers or their representative, in the prescribed manner, and invite them for negotiations and discussion, with a view to exploring the possibilities of settlement of the labour dispute concerning the desired change;
- (ii) If the aforesaid labour dispute or a part of the labour dispute is settled, a memorandum of settlement shall be drawn up in the prescribed manner;
- (iii) If the labour dispute as aforesaid is not settled, the provisions of Sections 65 and 66 of this Act shall apply in respect of the mediation proceedings or adjudication proceedings, as the case may be.
- (2) In respect of matters where the change is not likely to prejudicially affect the existing terms of employment and conditions of service of a worker, the employer shall make such a change only after giving

three weeks notice of the proposed change to the workers concerned and their representatives, if any, in the prescribed manner, provided, however, that such notice of change will not in any way prejudicially affect the right of the workers concerned to initiate a dispute after placing a charter of demands on the employer.

68. Individual disputes or claims to

1) A worker or his representative, in the prescribed manner on his behalf, may send an approach letter to the employer, claiming any of the reliefs or benefits or redressal of grievances relating thereto.

2) Upon receipt of the letter, the employer shall make effort to settle the claim or the grievance with the worker.

3) If the claim or grievance of the worker is not settled within three weeks from the date of receipt of the approach letter, the labour dispute pertaining thereto may be referred by the worker or his representatives, in the prescribed manner, to the Adjudicator for the area.

69. Compulsory reference by the Board.-

(1) Where the appropriate Board is of the opinion that any labour dispute existing or apprehended is not likely to be settled between the parties either through bilateral negotiations or through conciliation or the parties are unwilling to refer the labour dispute to Adjudication and the Board is satisfied that:-

- (i) by reason of the continuance of the dispute -
  - (a) an outbreak of disorder or a breach of the public peace is likely to occur; or
  - (b) hardship to a large section of the community is likely to be caused; and or
  - (c) the industry is likely to be seriously affected or the prospects and scope for employment therein appreciably curtailed; or
- (ii) the labour dispute is not likely to be settled by any other means; or
- (iii) it is necessary in the public interest to do so; the appropriate Board may refer the labour dispute to the adjudication of a Member of the Board representing the judicial service.

70. Powers of the Adjudicator.-

The Adjudicator, when deciding any labour dispute shall have the powers:

- (a) to enforce the attendance of any person and require him to depose or be examined on oath;
- (b) to compel the production of documents;
- (c) to issue commissions for the examination of witnesses;
- (d) to authorise any Officer or Inspector of the Board to conduct an enquiry and collect such material or statistics and to report to it;
- (e) to appoint an assessor or assessors for making such enquiry as he may direct and require such assessor or assessors to advise him in the proceedings before him;

- (f) to issue temporary injunctions; and
- (g) to grant appropriate relief in connection with unfair labour practice.

71- Decision on merits and jurisdiction of the Adjudicator.-

1) It shall be the duty of the Adjudicator to decide all matters brought before him in a reference by the parties or the Board, on merits, and to make an interim, final or supplementary award in respect of such matters.

2) Where, however, any party challenges the jurisdiction of the Adjudicator to entertain any matter referred to it, the Adjudicator may refer the question for the opinion of the Board and he shall then answer the question accordingly.

72. Award.-

1) Subject to the provisions of Section 72, where a labour dispute has been referred to the Adjudicator, he shall hold adjudication proceedings expeditiously and make his award, as soon as possible.

2) The award of the Adjudicator shall be, in writing and shall be signed by him and shall be published by the Board, in such manner, as may be prescribed.

73. Operation and termination of award or settlement.-

1) An award or a settlement shall become enforceable from the date mentioned therein and where no date is mentioned it shall become enforceable on the expiry of 30 days from the date of the award or the settlement.

2) The award or the settlement shall remain in force for such period as may be indicated in the award or the

settlement. If no period is mentioned therein, the award or the settlement shall remain in operation for a period of three years.

3) After a period of three years, the award or settlement can be terminated by either party by giving a notice in writing of ~~the~~ two months, to the other party, in the prescribed manner.

4) Although the award or settlement shall stand terminated at the end of two months after giving the notice as aforesaid, under sub-section (3) above the benefits granted or obligations created under the award or the settlement shall continue to flow until the said benefits or obligations are altered or modified by subsequent award or settlement.

74. Implementation of the award or order or settlement.-

1) If there is no implementation of the award or order or settlement of the Adjudicator, for a period of three months after the award or order or settlement becomes enforceable, the aggrieved party or the Inspector, may move the Adjudicator for its implementation.

2) The Adjudicator shall then issue notice to the other side and, after hearing the parties, shall make further order and give directions as regards implementation of the award or order or settlement.

75. Binding effect of the award or order or a settlement.-

The award or order of the Adjudicator shall be binding on the employer/s or worker/s, who were parties to the award or order or settlement and their successor/s in business or employment, and the workers subsequently, employed in the place of wo. as the case may be.

76. Regulations for the Adjudicator.

The Board may frame regulations prescribing the practices and procedures that may be required to be followed by the Adjudicators in adjudication proceedings.

77. Illegal Strikes and Lockouts.

A strike or a stoppage or a lock-out or a closure shall be illegal, if it is declared or commenced in breach of contract.

- i) without a notice of 14 (fourteen) days to the employer and the Inspector and the Officer specified for the area by the appropriate Board and after six weeks from the expiry of such notice.
- ii) during the course of any mediation or adjudication proceedings in respect of a matter covered by the said proceedings.
- iii) during the currency of any agreement, settlement, award or order and
- iv) in defiance of an injunction issued by an Adjudicator prohibiting the strike or stoppage or closure or lockout, as the case may be.

78. Declaration of a strike or stoppage as illegal.

1) The employer shall have the right to make an application to the Adjudicator for declaring a strike or stoppage as illegal.

2) The Adjudicator, after hearing the parties concerned may pass such interim or final order declaring the strike or stoppage as illegal and calling upon the workers to call off the strike or stoppage, within a stated period.



79. Declaration of a lock-out or a closure as illegal.

1) The workers or their authorised representatives shall have the right to make an application to the Adjudicator for declaring a lockout or a closure as illegal.

2) The Adjudicator, after hearing the parties concerned may pass such interim or final order, declaring the lockout or closure as illegal and calling upon the employer concerned to lift the lockout or closure, within a stated period.

80. Prohibition of continuance of a strike stoppage or lockout as closure.

When any labour dispute is referred for adjudication to the Adjudicator, the continuance of any strike, stoppage or lockout or closure would be illegal and the Adjudicator shall have the power to issue injunction to the party committing the offence, prohibiting the continuance of the strike, stoppage or lockout or closure, as the case may be.

82. Appearance before Judicial Authorities.-

In every proceeding before the Adjudicator, the parties will be entitled to be represented either in person or (1) by a legal practitioner, or (2) by an Officer of a registered union or the Officer of an employers' Association, as the case may be, or (3) by a duly authorised representative of employer or worker, as the case may be.