SUMMARY, CONCLUSIONS AND POLICY IMPLICATIONS

The present study has been undertaken to examine the dispute settlement process in the state of Punjab with special reference to Textile industry during the period 1967-73. It has specifically aimed at studying the working and assess the effectiveness of dispute settlement machinery consisting of conciliation, voluntary arbitration and adjudication, as constituted under the Industrial Disputes Act, 1947.

10.1 In an attempt to achieve the above mentioned objectives, the study has been organised into ten chapters.

10.11 In chapter one on 'Introduction', it has been noted that inspite of an elaborate mechanism for the prevention and settlement of industrial disputes having been provided, the problem still remains unresolved, thereby, indicating the need for improving upon the settlement machinery in the country. As has been stated earlier, the present study has aimed at examining the functioning of the dispute settlement machinery in the state, and wherever found appropriate to offer policy implications.

10.12 The next chapter, entitled 'Conceptual Base' had tried-through a review of literature available on the subject - to have a broader perspective for the phenomenon of industrial disputes - in terms of their occurrence, settlement and major determinants in effectiveness of settlement.
Chapter three, "The Data", dealt with the nature, sources of the data used in the study, as also the methods of data collection together with the limitations of the data thus collected. The chapter also attempted at developing suitable measures for assessing the effectiveness and efficiency of the dispute settlement machinery. The quantitative measures developed by the present researcher for assessing the effectiveness of dispute settlement machinery consisted of settlements as a percentage of total disputes available for consideration \( \left( \frac{S}{N} \right) \), - as a percentage of total disputes available for consideration minus number of disputes either withdrawn or dismissed as withdrawn, dismissed for want of prosecution, and incompetent references, etc. \( \left( \frac{S}{N-W} \right) \), - as a percentage of total disputes available for consideration minus withdrawn and pending at the end of the period \( \left( \frac{S}{N-W-p} \right) \).

Chapters four to nine related to the findings of the study and are taken up below:

10.2 Findings of the Study

10.21 Trade Unions (Chapter 4)

Growth of trade unionism, in terms of number of trade unions (both registered and submitting returns), membership, extent of unionisation, size-wise distribution, average-size of union, financial position and affiliation to major trade union centres in the country, was discussed in the chapter. It has been found that unionism had registered steady growth in respect of the above dimensions. It has been noted that
while in All Punjab the registered unions have increased by 57 percent during 1967-78, the relevant increase in Textile industry was only eight percent during the same period. The union membership has increased by 185 percent in All Punjab and by 129 percent in Textile industry. Extent of unionisation has been found to be more in Textile industry (88.1 percent, average of 1967-78) as compared to All Punjab (76.7 percent, average of 1967-78). The trend in All Punjab as well as in Textile industry has been found to be towards larger-size unions (that is, those having membership of 500 or more). The same has been found to be of higher degree in Textile industry. A small percentage of large-size unions in Punjab and Textile Industry has been discovered to be controlling a majority of total union membership. This has resulted in the significant increase in the size of average membership per union in All Punjab as well as Textile industry. The size of the average-membership per union in Textile industry has been found to be twice the average member of All Punjab. This confirmed the growth of larger-size unions in Textile industry at a faster rate as compared to All Punjab. The increasing membership, both in absolute terms and the size of average membership, in All Punjab as well as in Textile industry might have made the unions coherent and strong. But the coherence and strength of trade unions have not made them financially stronger and viable.

The share in total union membership has been higher as compared to others in All Punjab as well as Textile industry.
INTUC comes next in order followed by AITUC, CITU and HMS, while BMS, CITU, HMS and INTUC have improved their membership position over the study period. The position of AITUC has gone down in All Punjab as well as Textile industry.

10.22 Industrial Disputes (Chapter 5)

The number of industrial disputes in All Punjab has increased (from 2,044 in 1967 to 5,987 in 1978) by 193 percent, while in Textile industry the corresponding increase has been 177 percent. The average share of disputes in Textile industry to total disputes in All Punjab has been 30 percent. The increases in disputes in All Punjab and Textile industry have been 11% and 7.5% per year, respectively.

It is suggested here that the right to raise an individual industrial dispute should vest in those workers who have completed a minimum regular service of two months in the establishment concerned.

Around 92% of total disputes raised were individual disputes and the rest eight percent were collective disputes in All Punjab as well as Textile industry. While the individual disputes raised have exhibited an increasing tendency over the study period, in All Punjab and Textile industry, the collective disputes raised have showed a declining tendency.

The high and increasing number of individual disputes raised has been observed to be on account of a) awareness of legal rights in the workers, b) non-grant of leave, c) victimisation, d) charge of indiscipline, and e) demand for increase in wages and allowances, etc. The low and decreasing
number of collective disputes might indicate that either the unions have lost faith in the Labour Department so far as the settlement of collective disputes is concerned, or they have found some other avenues to raise such disputes. In the latter course, two available avenues are mutual negotiations and strikes, whereas the first avenue has exhibited a declining tendency, the latter, i.e., direct action, has shown an increasing tendency in All Punjab as well as Textile industry. The data on strikes have revealed that the increase in the occurrence of strikes during the period 1967-78 has been more in Textile industry (358%) as compared to All Punjab (194%). The share of strikes and mandays lost in Textile industry to the total number of strikes and mandays lost in All Punjab have been 42% and 55.5% respectively.

A direct relationship of frequency of strikes with the size of factories has been observed. Frequency of strikes has been found to be comparatively more in large size factories in All Punjab as well as Textile industry.

Wages and allowances, followed by bonus, have been the principal causes of strikes in All Punjab as well as in Textile industry, both in terms of number of strikes and mandays lost. The duration per strike has shown a tendency to decrease in All Punjab as well as Textile industry. The number of strikes terminating successfully and unsuccessfully have been increasing over the study period in All Punjab and Textile industry, though the average percentage of strikes terminating unsuccessfully has been higher.
The AITUC affiliated unions have been on the forefront to initiate the largest number of strikes in All Punjab as well as in textile industry. Direct negotiations between the parties and conciliation have been the main methods in bringing an end to majority of the strikes in All Punjab as well as Textile industry. For most of the years of study, the increase in union membership was associated with decrease in the number of strikes in All Punjab but increase in union membership was associated with increase in number of strikes for a majority of years in Textile industry.

10.23 Dispute Prevention (Chapter 5)

Complaints made by the workers to the Government Labour Officials have increased by 40% in All Punjab during the period 1967-78. This appears to be a fair indicator of the unsatisfactory state of grievance handling in the state. Being a voluntary measure, employers of both small and large units have been found not having any written grievance procedure. To cure the malady, 89% of the respondents interviewed favoured for a statutory and short grievance procedure by amending the Industrial Employment (Standing Orders) Act, 1946.

The percentage of works committees ceasing functioning during 1967-78 was found to be more than the percentage of these being constituted. About 23% of the total works committees functioning in All Punjab were in the Textile industry. 73% of the respondents felt that these committees have not lived their role.
JMC's have not been found popular in the state. In 11 of the selected units, JMC's have been constituted in only two of the units - of which also, only one of these councils was found to be active. While management respondents have considered the JMCs role as positive in improving industrial relations, the union respondents have viewed JMCs as only a body of managements and their henchmen among workers. Thus, the various dispute preventive measures like grievance procedure, works committees and JMCs have not been effective in checking grievances developing into disputes. To make working of the works committees effective, it is suggested that members of works committees should be elected by secret ballot under the supervision of an official of the Labour Department.

Conciliation (Chapter 7)

The measures of fulfilment of legal obligations of industrial relations machinery in respect of averting strikes have been calculated in terms of 'break-down' rate. It has been found that the break-down rate has been higher in Textile industry as compared to All Punjab. This might indicate that the machinery is no longer able to resolve disputes.

Being the first stage of Government intervention for the settlement of industrial disputes, bulk of conciliation work is carried out by the Labour-cum-conciliation officers.
There is no separate cadre of conciliation officers, and Labour-cum-Conciliation Officers combine the functions of conciliation as well as enforcement of labour laws. The labour officers have been notified as the conciliation officers of certain areas, called as 'circle'. The criterion determining the jurisdiction of conciliation officers has been the number of disputes originating from and the number of factories existing in that area.

The profiles of the Labour-cum-conciliation officers reveal that they are normally appointed by the Labour Department of Punjab Government on seniority basis without looking at the requisite professional qualifications or the competency of the man to conciliate effectively. Even after making selection of Labour-cum-conciliation officers, no induction or in-service training is imparted to them. All this appears to have resulted in viewing the conciliation work merely as an administrative routine like the enforcement work being performed by them. It is suggested that a minimum of thirty percent of conciliation officers should be recruited directly. Induction and in-service training should be a regular feature of the Punjab Labour Department.

The normal procedure for the Conciliation Officer to initiate action on a dispute has been based upon demand notice received from the party raising the dispute. These demand notices are written representations of statement of demands. No distinction has been made between the recognised and unrecognised unions in the matters of raising industrial
There has been a predominance and overwhelming majority (around 92%) of individual disputes raised before the machinery in All Punjab as well as Textile industry. Since these disputes did not provide any scope for conciliation, the percentage of settlements has not only been low but also decreasing almost continuously over the 12-year study period in All Punjab as well as Textile industry. The percentage of settlements (\(\frac{S}{N-W}\)) in All Punjab has decreased from 33.2% in 1967 to 18.6% in 1978, and in Textile industry it has decreased from 26.9% to 15.5% during the same period. Average percentages of settlements for 12-year period has been 30.7% in All Punjab and 23.6% in Textile industry. The average percentage of settlements in collective disputes have been 29% in All Punjab and 27% in Textile industry, and in individual disputes the average percentage has been 22% in All Punjab and 19% in Textile industry. In strikes situation, the percentage of settlements brought about has decreased from 31.3% in 1967 to 20.2% in 1978 in All Punjab and from 66.7% to 9.1% during the same period in Textile industry. Thus, the Textile industry presents low percentage of settlements as compared to All Punjab.

The low and decreasing percentage of settlements (\(\frac{S}{N-W}\)) has resulted in high and increasing percentages of failures. The percentage of failures increased from 47.8% in 1967 to 57.8% in 1978 in All Punjab and from 53.2% to 55.5% during the same period in Textile industry. The average percentage of failures have been 47.3% in All Punjab and 48.8% in Textile industry.
The number of settlements brought about through mutual negotiations and registered with the Labour Department has formed a very small fraction of those brought about through conciliation machinery. It was on an average of 4.7% in All Punjab and 3.8% in Textile industry. The number of mutual settlements registered with the Department has increased from 14 in 1967 to 17 in 1978 in All Punjab and from two to six during the same period in Textile industry. Out of the total 520 collective agreements signed in All Punjab during 12-year period, only 88, i.e., about 17%, have been signed in Textile industry. An average of about 66% of mutual settlements in All Punjab and 55% in Textile industry has been made in respect of individual disputes, and thus, only in 34% of mutual settlements in All Punjab and 45% in Textile industry, the subject matter of the settlements, were collective demands of the workers. It has been seen that the use of mutual settlements has been more for the settlement of strikes than for the settlement of disputes in All Punjab as well as Textile industry.

The various reasons for the unpopularity of collective bargaining have been found to be, inter alia, (a) absence of traditions of collective bargaining, (b) absence of any criteria for the recognition of a bargaining agent, (c) multiplicity of trade unions, (e) easy accessibility of conciliation and adjudication machinery (e) small size of majority of industrial establishments in the state, and (f) emergence of labour law practitioners who prosper through litigation by the parties, etc.
An analysis of the time taken by the conciliation officers to dispose of the disputes has revealed that the average time taken to dispose of/settle a dispute, of both types, has revolved around the period stipulated in the Departmental instructions, i.e., 30 days. But the average percentage of disposals done during a period of 30 days have been 40% in All Punjab and 43% in Textile industry. The average time taken in strikes' situation has been quite lesser, i.e., seventeen days in All Punjab as well as Textile industry. It shows that the machinery has been quite earnest and active in those disputes which threatened industrial peace.

A sizeable number of disputants felt that the conciliation machinery has not been successful due to recommendatory nature of conciliation; insincere approach of the disputants; availability of compulsory adjudication; and doubtful integrity of the officers, etc.

Thus, the low and decreasing percentage of settlements, the high and increasing percentage of failures, coupled with majority view of the disputants that the conciliation machinery has failed to deliver goods, and the personal observations of the present researcher bring one to the conclusion.
that conciliatory machinery in All Punjab as well as Textile Industry has not been as effective as it should be. The situation in this respect is more dismal in Textile Industry as compared to All Punjab. However, the conciliation machinery being a dependable variable, its effectiveness depends on a number of other factors, like lack of proper selection followed by absence of training of the conciliation officers, the casual approach of the disputants, the increasing number of individual disputes being raised etc.

10.25 **Voluntary Arbitration** *(Chapter 3)*

Voluntary arbitration has been used in Punjab on an ad hoc basis and no panel or Board of Arbitrators has existed on permanent basis. Out of 182 cases which were referred to voluntary arbitration in Punjab during the period 1967-78, in 34% cases arbitrators were officials of Labour Department, in 50% cases, arbitrators were presiding officers, and in only about 6% cases some individuals like advocates etc. had acted as arbitrators. Of these 182 cases, 24 related to Textile industry; among the arbitrators selected for these 24 cases in as many as 10 cases (representing about 42 percent) were officials of the Labour Department, followed by 6 (25%) Presiding Officers, and 4 (17%) advocates. This apparent preference of disputants for Government Labour Officials and Presiding Officers for appointment as arbitrators might, however, be because of the non-availability of the panel of arbitrators to the disputants.

It has been found that the process of publishing the arbitration agreement in the Government Gazette has taken on an
average 45 days. A senior Government Labour official, who also has acted as arbitrator in 10 cases, opined that the process should not take more than 10 days.

The procedure adopted especially by the Presiding Officers acting as arbitrators has been almost a judicial one since it consisted of pleading, evidence, arguments and judgements, the stages usually followed in civil courts. This has made the procedure cumbersome and lengthy.

Voluntary arbitration has not been popular with the disputants; an average of only two percent of total cases in which arbitration has been suggested during 1967-78 was finally agreed for arbitration. The refusals in 75% of the cases have been made by the employers. Out of the total 182 cases, 62% of the cases were that of individual disputes and 38% of collective disputes. The disputants have thus indicated their preference for voluntary arbitration in discharge and dismissal cases. The working of the arbitration machinery has revealed that the average percentage of settlements to total disputes available for consideration minus disputes dismissed as withdrawn, $\frac{S}{N-W}$, have decreased from 35.1% in 1967 to 7.2% in 1978 in All Punjab and from 38.3% to zero percent during the same period in Textile industry. In case of $S/N$, percentage of settlements to total available for decision, the fall in percentage was almost similar to that of $\frac{S}{N-W}$ in both All Punjab as well as in Textile industry. Thus, the settlements have not only been low but exhibited a steep declining tendency almost throughout the 12-year period in All Punjab as well as Textile industry.
The average percentage of settlements in \( \frac{S}{N} \) and \( \frac{S}{N-W} \) for the 12-years period has been 12.7\% in All Punjab, and 13.4\% for \( \frac{S}{N} \) and 13.7\% for \( \frac{S}{N-W} \) in Textile industry.

The percentage of pendency has increased from 63.6\% in 1967 to 92.8\% in All Punjab, and from 57.1\% to 100\% during the same period in Textile industry. The average percentage of pendency for the 12-year period, 1967-78, has been 86\% in All Punjab as well as Textile industry. Thus, low and decreasing percentage of settlements have resulted not only in higher but also in increasing pendency.

The time-analysis has revealed that in more than 60\% of awards given, time-taken ranged between 271 to 3272 days in All Punjab as well as in Textile industry. The average number of days taken to deliver awards during the period 1967-78, has been 600 days in individual disputes in All Punjab and 327 days in Textile industry. In collective disputes, the average days taken have been 555 days in All Punjab and 1072 days in Textile industry. It has been found that in almost all the cases which took more than 270 days, the arbitrators were officials of labour department and Presiding Officers. It is suggested that a time limit of 3 months should be laid down by law for deciding the case.

A number of factors seem to have accounted for the staggering delays: lengthy procedure, Government Labour officials/Presiding officers, who are already laden with their office work, working as arbitrators, absence of any time-limit for delivering an award, etc.
Award analysis has revealed that in most of the wage issues raised before the arbitrators, settlement has been arrived at by mutual negotiations between the parties concerned.

Although about 83 percent of the arbitrators appointed during 1967-78 were either officials of the Labour Department or Presiding Officers, yet they did not seem to be conducive for an effective arbitration process. First, time taken by these officials has been longer; secondly, the procedure employed by them was a semi-judicial one; thirdly, it has been found that in all the six cases in which appeals were preferred in the Punjab and Haryana High Court against the award of the arbitrators, related to those awards which were given by the arbitrators all of whom were such officials/Presiding officers. Therefore, it would appear preferably if (1) Government officials and Presiding officers acting as arbitrators is progressively regulated and at the same time, (2) the Government prepared a panel of Arbitrators consisting of experienced, competent and well-known members of the public for the guidance of the disputants.

The foregoing discussion on voluntary arbitration has revealed that voluntary arbitration has not been popular in Punjab, more so in Textile industry. This might have been due to the poor performance of the arbitrators - reflected in low percentage of settlements and staggering delays involved in delivering awards, non-existence of any Panel of arbitrators and the lengthy procedure adopted by the arbitrators, etc.
10.26  **Adjudication (Chapter 9)**

The process of adjudication starts with reference of the disputes to Labour courts/Industrial Tribunal by the State Government. The average time taken in making the references has been found to be less in Textile industry (58 days) as compared to All Punjab (69 days).

The procedure followed by adjudicators has been strictly judicial since it has consisted of all those stages, viz., pleadings, evidence, arguments which are followed in civil courts. This has been because all the present Presiding Officers of Labour Courts/Industrial Tribunal in Punjab have been drawn from the State Civil Judiciary service. These officers have been found to be selected not on account of their having or possessing a special knowledge of matters connected with industrial relations but on account of the options given by these officers. These options have been given, it was observed, for some personal reasons.
In All Punjab the number of cases referred to Labour Courts under section 10(1) of the I.D. Act has increased from 434 in 1967 to 2797 in 1978, i.e., more than five times. The number of Labour Courts in Punjab increased from one to four, i.e., three times during 1967-78. Consequently the work load per Labour Court has increased by 61% during 1967-78. Keeping in view the increasing work load one more Labour Court needs to be constituted.

The working of the Labour Courts has revealed that in respect of references for reinstatement, the percentage of settlements (S/N) have declined from 35.2% in 1967 to 23.6% in 1978 in All Punjab and from 26.8% to 13.0% during the same period in Textile industry. The average percentage of settlements (S/N) has been 19.3% in All Punjab and 20.9% in Textile industry. The average percentage of pendency has been as high as 60% in All Punjab as well as Textile industry. In terms of reasonable value, \( \frac{S}{N-W} \), the percentage of settlements have decreased from 37.9% to 28.9% in All Punjab during 1967-78, the relevant percentage decline was from 33.7 to 21.3 in Textile industry.

Textile industry has accounted for a greater number of cases as compared to All Punjab which have been either frivolous or which have not been taken to their logical conclusion. The average percentage of cases decided mutually even after their being referred has been around 35% in All Punjab as well as Textile industry. It appeared to be on account of the realisation on the part of the disputants, especially those belonging to small units, about the unacceptability of the adjudication due to huge time loss involved in Labour Courts.
The number of cases to Industrial Tribunal referred under section 10(1) of the I.D. Act has decreased from 165 in 1967 to 47 in 1978 in All Punjab and from 60 to 9 during the same period in Textile industry. An analysis of the nature of demands involved in the references made has revealed that labour remuneration demands such as wages and allowances, and bonus constituted 56% and 61% of the total number of demands in All Punjab and Textile industry, respectively. Continuous increasing price spiral appeared to have accounted for it.

The working of the Industrial Tribunal, Punjab, has revealed that the percentages of settlements, S/N-W, decreased from 43.4% in 1968 to 41.0% in 1978, and in Textile industry the same percentage has decreased from 60.0% to 59.1% during the same period. The average percentage of settlements (S/N-W) during the 11-year period, 1968-78, has been 30.4% in All Punjab and 38.3% in Textile industry.

The average percentage of pendency for the 12-year period, 1967-78, has been higher in Textile industry (about 52%) as compared to All Punjab (48%). The slow pace of proceedings in the Tribunal in Textile cases might be attributed to the higher percentage of labour remuneration demands involved in cases in the Textile industry as compared to All Punjab.

An average of about 48% cases in All Punjab and 41% in Textile industry have been either withdrawn by the party or dismissed for want of prosecution or have been found invalid on legal or technical grounds. Thus, a sizeable number of cases raised before the Tribunal have not been pursued by the parties to its logical end or these have been raised on flimsy grounds.
An average of about 23% cases in All Punjab and about 32% in Textile industry, out-of-court settlements have been done by the parties.

Taking together the time analysis of the Labour Courts and Industrial Tribunal for All Punjab and textile industry, it has been found that the time taken to dispose of a case by a Labour Court/Tribunal has ranged between seven to nine months and an average of 30% of cases took more than one year for their disposal. Besides, instances have not been uncommon to show that in a good number of cases time taken for delivering award ranged between three to five years. This has conclusively proved that adjudication in Punjab also suffered from delays. Staggering delays might be attributed to the judicial procedure followed, the attitude of the parties particularly of employers in their bid to tire out the workers, inadequate administrative facilities, the lack of enthusiasm in Presiding Officers flowing from the appointment of retired persons, and options based on personal reasons given by them etc. It is suggested here that a time limit of six months should be provided for concluding adjudication proceedings.

The attitude of the parties in seeking intervention of the superior court like High Court has been increasing over the period. The number of writs filed in Punjab and Haryana High Court against the award of the adjudicators has increased from 45 in 1967 to 67 in 1978.

The data on implementation of awards have revealed that the percentage of awards to the total required for implementation has decreased from 61.7% in 1967 to 38.8% in 1978 in All Punjab.
consequently, the pendency have increased from 38.2% to 61.2% during the same period. Intervention of the superior court sought by the parties and the multifarious enforcement duties of the Labour Inspectors entrusted with the task of implementation, might have been the factors for the slow pace of implementation.

The data relating to prosecution for non-implementation of awards have shown that the percentage of convictions or cases disposed of by the civil courts to the total prosecutions launched decreased from 23.1% in 1967 to 13.3% in 1978. Consequently, the prosecutions pending in the civil courts have increased from 76.9% in 1967 to 86.7% in 1978.

It has been found that though section 29 of the I.D. Act, provides for fine or imprisonment for non-implementation of award, but so far no defaulting employer has been punished either with heavy fine or imprisonment with the result that employers have not taken violation of law as a serious affair. In this respect, about 63% of the respondents has proposed more financial penalty plus imprisonment for those who do not implement the awards. About the same numbers of respondents favoured that Labour courts/Tribunal should be armed with proper powers and facilities to get implement their own decisions.

Thus, the longer time taken by the Government in making the references to adjudication, the judicial procedure followed, the low and decreasing percentage of settlements, the high and increasing rate of pendency, the longer time taken to give awards, the high percentage of infructuous awards, the low pace of implementation of awards, and the absence of any deterrent
punishment for violation of awards, have made the adjudication machinery a not very effective instrument for ensuring industrial peace.

The study has, thus, conclusively shown that the effectiveness and efficiency of the dispute settlement machinery in Punjab has been very low, more so in the Textile industry. By being the predominant industry in Punjab, the ineffectiveness and inefficiency in the Textile industry has adversely affected the overall effectiveness and efficiency of the settlement machinery in the State. The reasons for ineffectiveness and inefficiency can be found in the inability or unwillingness or both on the part of any one or all the parties involved in the process, namely, workers, trade unions, employers, Presiding Officers, and the officials of Labour Department. For example, the cases dismissed for want of prosecution shows the unwillingness of the worker to pursue the case, etc.

10.3 **Policy Implications**

The policy implications, which emanated from the present study, offered for consideration of the appropriate Government in India are summarised below:

10.31 **Industrial Disputes**

The right to raise an industrial dispute by an individual worker should vest in those workers who have rendered a minimum of two months service in the concerned establishment.

10.32 **Dispute Prevention**

*Industrial Employment (Standing Orders) Act*, should be amended to provide for a written and short grievance procedure.
Members of works committee representing workers should be elected by secret ballot under the supervision of an official of Labour Department.

10.33 Conciliation

A separate cadre of conciliation officers needs to be constituted.

Direct recruitment of really competent persons having aptitude for conciliation should be undertaken. A minimum qualification like M.A. in Social Science etc. should be prescribed for directly recruited conciliation officers. However, promotions from within could be made for those who fulfill the above mentioned requirements.

Training at a recognised institute to the newly appointed conciliation officers, followed by regular in-service training schemes, should be a regular feature of the Labour Department.

Economic status in terms of salary etc. of conciliators should be improved.

10.34 Voluntary Arbitration

A panel of arbitrators consisting of industrial relations personnel of public and private sector undertakings, experienced trade union officials, academicians in the industrial relations field, etc. should be prepared for the guidance of disputants.

Government should allocate and provide for a special fund to meet the secretarial, accommodation and other expenses of voluntary arbitrators.
Voluntary arbitration agreement for notification in the official Gazette should be sent by the Conciliation Officer direct to the Government with a copy to the Labour Commissioner.

A time-limit of three months should be provided for concluding the arbitration proceedings.

10.35   **Adjudication**

Keeping in view the increasing work-load, one more Labour Court needs to be constituted.

Instead of asking for the options for the appointment of Presiding Officers of Labour Courts, the Government should appoint them on the basis of their aptitude and experience in labour matters.

The appointment of retired persons as Presiding Officers of Industrial Tribunal should be made in exceptional cases only and general practice should be to appoint persons as Presiding Officer of Industrial Tribunal from the active service.

A time-limit of six months should be provided for concluding the adjudication proceedings.

Amendment of section 29 of the I.D. Act should be done to provide for a heavy financial and imprisonment penalty for violation of agreements/awards.

Labour Courts/Industrial Tribunal should be armed with powers and adequate staff for implementing their own decisions.

Strength of Labour Inspectorate dealing with multifarious enforcement duties should be increased.