ILE

LABOUR LAW REVIEW

VOLUME 2 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION

ILE LABOUR LAW REVIEW

APIS – 3920 – 0009 | ISSN - 2583-6161

(Free Publication and Open Access Journal)

Journal's Home Page – https://llr.iledu.in/

Journal's Editorial Page - https://llr.iledu.in/editorial-board/

Volume 1 and Issue 1 (Access Full Issue on - https://llr.iledu.in/category/volume-2-and-issue-1-of-2023/)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 - info@iledu.in / Chairman@iledu.in

ILE LABOUR LAW REVIEW [ILE LLR]

VOLUME 2 AND ISSUE I OF 2023

APIS – 3920 – 0009 | ISSN - 2583-6161

Published by

Institute of Legal Education

https://iledu.in

THE JURISDICTION AND EFFECTIVENESS OF LABOUR COURT AND INDUSTRIAL TRIBUNAL IN INDIA -A COMPARATIVE ANALYSIS WITH EMPLOYEMENT TRIBUNALIN BRITAIN

AUTHOR - HEMASHREE A, LAW STUDENT

BEST CITATION - HEMASHREE A, THE JURISDICTION AND EFFECTIVENESS OF LABOUR COURT AND INDUSTRIAL TRIBUNAL IN INDIA -A COMPARATIVE ANALYSIS WITH EMPLOYEMENT TRIBUNAL IN BRITAIN, *ILE LABOUR LAW REVIEW,* 2 (1) OF 2023, PG. 30-38, APIS – 3920 – 0009 | ISSN – 2583-6161.

INTRODUCTION

In India, the wide category of "Industrial Legislation" is largely used to describe the law pertaining to labour and employment. This country's industrial legislation is very new, and it has evolved in response to the workers' greatly enhanced awareness of their rights, notably following the declaration of independence. The complex of connections between employees, companies, and the government known as "industrial relations" is primarily focused on determining the terms of employment and working conditions for employees.

The Industrial Disputes Act of 1947 established three different courts to resolve industrial disputes: the Labour Court, Industrial Tribunal, and National Tribunal or National Industrial Tribunal[1].

The labour courts work under Section 7 of the Industrial Dispute Act of 1947, individual workers bring an industrial dispute. Which states: One or more Labour Courts may beestablished by the competent government. Its purpose is to resolve labour disputes involving any of the items listed in the second schedule[2].

Industrial Tribunal [Sec. 7A]: The appropriate Government may establish one or more Industrial Tribunals by publication in the Official Gazette for the purpose of arbitrating industrial disputes relating to any matter, whether one that is listed in the Second Schedule or the Third Schedule, as well as for carrying out any other duties that may be delegated to themunder this Act[3].

The second and third schedule of the Industrial Dispute Act of 1947, defines the jurisdiction of labour court and industrial tribunal[4], if the labour court is merged with industrial tribunals thenthe effectives of labour court and the industrial tribunals effectiveness range increase and it may even lead to an effective solution towards the cases[5]. To aid in prompt settlement, the tribunals might also develop its own procedures and norms. Before a hearing, certain tribunalswill seek to resolve a dispute through mediation.

The paper is going to focus on the effectiveness and jurisdiction of labour courts and industrial tribunal in India with the comparison to the Britain's employment tribunal and the effectivenessin Britain.

Tribunals were first established to provide a relatively rapid, informal means of resolving disputes involving employment rights between employees and employers. Although they are still less formal than civil courts, they have gotten more legalistic and formal as the law has become more complex.

The Britain labour courts are Tripartite which is the bench have one professional judge, one employee judge and one employer judge and sometimes unipartite, with the professional judge

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sitting alone. The British Labour Court is a legal system for resolving labour disputes in the United Kingdom. The court has exclusive jurisdiction over all matters relating to employment and welfare rights, including equal pay for work of equal value, occupational safety and healthetc..

The two countries have very different systems for dealing with labour issues at the workplace

- India uses an independent national level forum while Britain uses a national level body with exclusive jurisdiction over employment law and other areas affecting workers' rights.

Keywords- labour courts, industrial tribunal, jurisdiction, industrial relations, Britain, employment court.

RESEARCH QUESTION

1. Why the labour courts and industrial tribunal court are existing individually and the need for separate existence if not why?

2. What is the difference between the British tribunal/employment court and Indian Labour courts and what will be the outcome when the labour courts merge with industrial tribunal?

3. What were the function of labour court and industrial court in India and its jurisdiction and effectiveness in its responsiveness to the labour issues?

RESEARCH OBJECTIVES

1. To analyze the separate existence of labour court and industrial tribunal court in India.

2. To analyze the difference between the British tribunal/employment court and Indian Labour courts and need for new amendment.

3. To analyze the jurisdiction and effectiveness of labour courts and industrial tribunalcourt.

INDUSTRIAL TRIBUNAL

The Industrial Disputes Act, 1947, which was passed in India, established the Industrial Tribunals for the first time. The Supreme Court made the following observation in its ruling on the status of these tribunals: "The tribunals under the Act are imbued with the trappings of a Court but do not have the same status as Courts."[6] These Tribunals are not required to decide industrial disputes according to the exact legal details.

The appropriate government has the authority to establish an industrial tribunal. The names of the individuals who will make up the Industrial Tribunal as well as the appointment will be published in the Official Gazette. Additionally, a tribunal or tribunals may be established at the appropriate government's discretion. Any industrial dispute involving any topic, whether one that is mentioned in the Second Schedule or the Third Schedule, must be decided by the Tribunal. These tribunals must carry out any additional duties that may be given to them by this Act.

The Tribunal will only have one member, who will be chosen by the relevant government. Any individual who meets one of the requirements below may be selected as the Industrial Tribunal's presiding officer, namely:

A) if he is or has served as a judge of a High Court; or

B) if he has served as a District Judge for a period of not less than three years, an Additional District Judge.

S.7A (4) also stipulates that the Appropriate Government may, if it sees proper, designate two individuals as assessors to assist the Tribunal in its proceedings. These Tribunals are crucial for a variety of practical reasons. To start, as previously indicated, only qualified individuals of the highest integrity may be nominated as the Tribunal's presiding officer. Second, the Tribunal can be asked to rule on nearly any significant issue, including disputes about pay, bonuses, provident funds, gratuities, dismissals, etc. Thirdly, the Tribunals have

unrestricted authority as long as they stay within the bounds of their mandate.

The Tribunal is a judicial body or, at the very least, a quasi-judicial body[7]. Therefore, any award rendered without delivering these notifications is erroneously fundamentally incorrect. A Tribunal must serve notice of the referral upon the parties by name. If required in the interest of maintaining industrial peace, it can order the reinstatement of a worker and give an appropriate reward to promote harmonious relations between employers and employees. The Tribunal may use information other than that presented by the parties' evidence when making a determination in a case.[8]

Despite a request to have an Industrial Tribunal award quashed, the Supreme Court ruled that no writ could be issued against a tribunal that was no longer in existence[9]. The IDA itself makesit clear that tribunals are established whenever an industrial dispute arises and typically operateso long as one of those disputes is not resolved. The Tribunals may be appointed for a short time or for a set number of cases to be heard. A new tribunal may start hearing the matter from scratch when it is appointed, especially if any party may be disadvantaged. It is up to any party to demonstrate before the Tribunal that a de novo trial is necessary in order to avoid prejudice.

In Brooke Bond India[10], a probationer's services were terminated in line with the terms of the contract prior to the end of the probationary period without giving a cause. The Tribunal examined the order of termination's legality. The Tribunal had to determine whether the employer's action was malicious, whether it amounted to victimising the employee or an unfair labour practise, or whether it was so capricious or unreasonable as to suggest that it had been made with an ulterior motive and was not a legitimate use of the authority granted by the contract.

Although some of the employees of the company were employed outside the State of Delhi and not only received their salaries from the Delhi Office but were also controlled by the Delhi Office, the Supreme Court upheld the Industrial Tribunal's decision, holding that the Delhi Tribunal had jurisdiction over those employees acting outside the State of Delhi.

The Labour Appellate Tribunal upheld the Industrial Tribunal of Delhi's decision in the Lipton Ltd. case[11]. When a similar issue emerged between the same firm and their employees in Madras, the company argued that the verdict of the Industrial Tribunal in Delhi applied to the employees in Madras as well. The Madras High Court ruled that the dispute between the management and its workers in Madras could not be resolved by the Delhi decision. It was one of the pieces of evidence that the Madras Tribunal had the right to evaluate, but the Tribunal had the discretion to determine the award's probative value.

Impact of Appeal Filing Delay in Labor Matters: In Daya Ram, the Appeal Filing Delay was 52 Days. The only reason the Industrial Court gave for rejecting the case was its 52-day delay. The High Court likewise upheld the Industrial Court's ruling. The Industrial Court should not have rejected the lawsuit based just on the delay of 52 days, the Supreme Court said. The High Court, too, did not consider the merits of the case. The issue was brought up for suitable resolution. The Supreme Court returned the matter to the Indus trial Court so that it may be decided on the merits.

An appeal against the decision of the Industrial Tribunal:

It was formerly questioned whether an appeal from an Industrial Tribunal ruling might be favoured. Whether an award of the Tribunal qualifies as a "decision made by the Court or Tribunal" under Article 136 of the Constitution will determine how this question is answered. In response to this inquiry, Kama, CJ at Bharat Bank Ltd.,[12] noted the following:

Though it is not a court, in my opinion, the Industrial Tribunal's roles and responsibilities are quite similar to those of a body carrying out

judicial tasks. According to the regulations established by the Tribunal, witnesses must be questioned, cross-examined, and repeated. Inaccurate comments presented before the Tribunal are punishable under the Act establishing the Tribunal. The Industrial Tribunal is essentially acting as a judicial body in the performance of its duties, despite the fact that its powers differ in some ways from those of a regular Civil Court and that it has jurisdiction and the authority to grant relief that a Civil Court administering the law of the land does not have.[13] (for example, ordering the reinstatement of a workman).

The fact that the Tribunal's decision must be followed by a government order making the award binding, that the legislature may review the ruling in cases in which the Government is a party, or that the Government has the authority to determine how long the award will be in effect do not, in my opinion, change the nature or character of the functions of the Tribunal. After carefully examining all of the Act's provisions, it is abundantly evident to me that the Tribunal, although not being a court in the strictest meaning of the word, is performing duties that are very similar to those of a court.

It is obvious that an appeal can be filed against a ruling by an industrial tribunal in light of the aforementioned considerations.

THE TRIBUNAL FRAMEWORK

The IDA gives the right governments the authority to form industrial tribunals to resolve disputes over, whether they are mentioned in the Third Schedule or the Second Schedule. In general, the Second Schedule has things pertaining to rights concerns (such as standing orders, discharge, dismissal, etc.), while the Third Schedule has items pertaining to interest issues (for example, wages, compensatory allowance, bonus, rationalisation, etc.). However, a disagreement can even be directed to a labour court if it relates to an issue included in the Third Schedule and is not anticipated to affect more than 100 workers. In other words, a tribunal has broader authority than a labour court since it can rule on issues covered by both the Second andThird Schedules.

It should be emphasised that collective disputes may involve rights issues like discharge or dismissal or interest issues like salaries, DA, etc. Collective disputes in Faridabad, including those involving rights or interest disputes, are often addressed to the industrial tribunal; individual termination disputes are, of course, are referred to the tribunal. By contrast, the labour court handles computation cases under Section 33C (2) of the IDA as well as individualtermination issues.

A tribunal under the IDA, like a labour court, is only composed of one person.

(i) A person must either I be or have been a judge of a High Court or

(ii) have served as a district judge or additional district judge for at least three years inorder to be eligible to be appointed as the PO of a tribunal.

The IDA grants the adjudicatory bodies the same authority that a civil court would have under the CPC 1908 when trying a case, including the authority to compel attendance of any person and subject him to an oath examination, order the production of documents and tangible objects, issue commissions for witness examinations, and do other things that may be prescribed. Additionally, investigations conducted by these entities are regarded as judicial processes for the purposes of IPC Sections 193 and 228. Additionally, they are granted complete authority to decide and approve any costs or expenses associated with any actions before them. The tribunal lacks the authority to implement its own judgments.

Although an industrial tribunal is not a court, it should be emphasised that its responsibilities and tasks are quite similar to those of organisations that carry out judicial powers.

A further addition to the IDA in 1956 gave courts, labour courts, tribunals, and national tribunals the authority to name one or more individuals

with expert understanding of the subject under discussion as assessors to assist them in their proceedings. It follows that this authority extends to tribunals in addition to the two assessors that the competent government may name under Section 7A(4), opening the door to the appointment of up to four assessors to help the tribunal function.

It is notable that the adjudicatory organisations envisioned under the IDA were supposed to minimise the formalities of the court-like nature. This was done to demonstrate attention to the demands of labour relations and industrial disputes. In order to be used by parties as efficient tools for resolving industrial disputes, tribunals were required to position themselves as organisations capable of stepping in for voluntary processes in the event that discussions failed.

What they do and what they say about what they do constitute their two products. In order to do this, it is crucial that tribunals present themselves as more approachable and knowledgeable;if they exhibit lengthy and slow-moving processes, this will not only cause people to see themnegatively but will also have an impact on their production. Such a possibility is implied by the tribunal system as it was envisioned by the IDA, as is clear from the aforementioned rules. However, it matters if this can truly be operationally effective to achieve the desired objectives.

LABOUR COURTS

Under Section 7 of the Industrial Dispute Act of 1947, individual workers bring an industrial dispute. Which states: One or more Labor Courts may be established by the appropriate government. Its function is to settle industrial disputes concerning any matter specified in the second schedule.

Qualification for the appointment of a Presiding Officer of the Court

(i) He is or was a high court judge.

(ii) He has served as a district judge or an extra judge for at least three years.

(iii) He has served in a judicial capacity for at least seven years in India.

(iv) He has presided over labour courts established in accordance with the of for at least fiveyears.

He has presided over a labour court established in accordance with a Provision Act for at least five years.

Disqualifications:

The Industrial Dispute Act of 1947, Section 7-C, specifies disqualifications for the appointmentof the presiding officer to the Labor Court. It states that no one may be appointed to a position or be kept in one if they are either

(a) not independent or

(b) over the age of 65.

Issues that are under the jurisdiction of the labour court

Fourth Schedule

1. Whether a directive issued by an employer in accordance with standing instructions is proper or lawful;

2. implementing and interpreting standing instructions;

3. Worker discharge or dismissal, including the restoration of the provision of redress for workers who have been unlawfully terminated;

4. the cessation of any usual favour or concession;

5. Whether or whether a strike or lockout is legal; and

A disagreement that doesn't affect more than 100 workers can be brought before the labour court, under [Sec. 10(1)(c)][14] topics included in the THIRD SCHEDULE.

[Sec. 10(2)][15] states that when parties to an industrial dispute ask the government to refer the disagreement to the labour courts and the government is satisfied, it will do so.

No Labor Court or Tribunal shall have authority to decide any case that is being decided by the

National Tribunal, in accordance with [Sec. 10(6)].[16]

The role and authority of the labour court in criminal cases

The method and powers of the labour court are outlined in Sections 215 and 216 of the Code,and they may be divided into two categories:

(1) Power and status in trying offences, and

(2) Power and status in civil matters.

(a) The summary method outlined in the Code of Criminal Procedure of 1898 should be adhered to as closely as practicable by the labour court (Act V of 1898)

(b) A labour court must have the same powers granted to a court of a magistrate of the first class under the code of criminal procedure for the purpose of trying an offence under the code.

(c) The labour court shall have the same authority to impose punishment as is granted to theCourt of Session under that law.

(d) A labour court must hear the matter without the participants when trying an offence.

A civil court is the labour court.

The issue of whether or not a labour court is a civil court was brought up in the case of Pubali Bank v. the Chairman 1st Labour Court 44DLR(AD). authority of 1. Md. Abdul Halim, The Bangladesh Labour Code, 2006, CCB Foundation, Ed.1, p.282 the appellate division held thatthe labour court acts as a civil court for a limited purpose but not a civil court at all and that itstreatment as a civil court should only be based on legal fiction or a statutory hypothesis.

Duties of labour courts.

The Labour Court's obligations include holding its procedures within the allotted time frame and submitting its decision to the government. Such award has to be made in writing, with the presiding officer's signature.

The power of the Labour Court is equal to that of the Civil Court. The Labour Court's proceedings may not be challenged on the grounds that it was improperly formed.

Functions of the Labor Court:

Section 7 of the aforementioned Act specifies the duties of the Labor Court.

Procedures and the Court's Authority

(a) When Trying Offenses

A labour court must follow the Cr. P.C.'s summary procedure as closely as practicable when trying an offence, and it has the same authority as a court of a magistrate of first class specifically empowered under section 30 of the Cr.P.C.

(a) When deciding a labour dispute

A labour court must be assumed to be a civil court for the purpose of hearing and deciding any industrial dispute, and shall follow the C.P.C.'s process and have the same authority granted to such court under C.P.C. The labour court's powers are shown below.

i. To Provide Relief

The aggrieved party may receive complete and final redress from the labour court.

ii. To Provide Temporary Relief

According to its inherent powers, the labour court is also qualified to provide ad-interim remedies.

iii. To approve an adjournment

If there is good reason, the labour court may adjourn a case.

iv. To require someone to show up for class.

The labour court has the authority to issue summonses, proclamations, and other legal documents to compel the appearance of anybody who is required in order for it to rule on the case at hand.

v. Examiner Power

Any person can be sworn in before the labour court.

vi. To order the production of documents, etc.,

see

The production of documents and tangible items required for adjudicating the case may be required by the labour court.

vii. To appoint commissions

The Labour Court may appoint commissions to examine witnesses or documents.

viii. Ex-part Proceedings

When a side fails to appear before the labour court, it has the authority to continue ex-parte.

ix. to determine Workmen's Grievance

Worker grievances may be resolved by the labour court, which must consider all relevant facts and provide any rulings that are equitable and appropriate under the circumstances.

BRITISH TRIBUNAL

In the United Kingdom, there is no such thing as a "labour court." We have a system or network of courts called industrial tribunals that handle a range of employment-related issues.

In 1964, the first industrial tribunals were created. They had very little authority to handle appeals against levies that had been levied in accordance with the previous Industrial Training Act of 1964[17]. They were made up of a chairperson who was qualified by law and two lay members, one from each industry. They did not frequently need to convene because they were all part-time employees. Any party could file an appeal with the Court of Appeal in England or the Court of Session in Scotland if they disagreed with a tribunal's ruling on a legal issue.

The Industrial Relations Act, which was passed in 1971, provided the actual impetus for the creation of a distinct judiciary to handle industrial cases. The purpose of this Act was to establish the idea of unjust dismissal while also regulating and restricting some types of industrial action. No employee who had the required length of service and met certain other requirements could be fired unless his employer could demonstrate a legitimate basis for it, such as the employee's behaviour, his competency for the position, or that he had actually gone out of business. Even if an employer could prove such a factor, the dismissal would still be unfair unless the employer could also prove that overall, in light of equity and the totality of the circumstances, he had behaved properly. If the employer could not demonstrate these facts, the firing was unlawful and he was required to compensate the fired worker.

British labour courts can be either unipartite, with the professional judge sitting alone, or tripartite, like in Germany. British lay judges predominately handle discrimination cases, though they also hear other claims if they are simultaneously brought by the same claimant. Professional judges may choose to use a tripartite format in cases involving non-discrimination,but they rarely do.

There are five categories in each of the 210 French labour courts: management, industry, trade, and other activities. In contrast to Germany, where there are just two different chambers per sector or occupation, Britain has no such divisions[18]. Employee judges who preside over issues that arise in their industry could, in certain situations, suffer a greater conflict between their trade union responsibilities and their judicial roles. The three systems hear different kinds of cases. The majority of workplace discrimination complaints in France are successfully resolved through mediation in roughly 90% of situations involving termination of employment[19]. In contrast to the British lay judges who now hardly hear dismissal cases, which make up barely a fifth of all cases, the majority of proceedings in Germany include challenged dismissals.

Employee organisations, primarily the Trades Union Congress (TUC), nominated employee judges in Britain, who were then first appointed[20]. However, self-nomination and selection by the judicial authorities following an open competition were adopted in 1999 as part

of broader government efforts to reduce nepotism in public positions. At a labour court location, professional judges provide a 3-day induction session for all lay judges that includes watching a case and the subsequent deliberations. A professional judge also presents two days of lectureseach year (2 in Scotland) on legal advancements and a component of judgecraft, which are supported by case studies.

Many British employee judges, regardless of the method of appointment, may have indicated their impartiality from the start because there is a joint employee/employer judge induction and training programme delivered by a professional judge, underscoring the neutrality of the court and the authority of the professional judge. Many respondents asserted that the initial teachinghad a substantial impact on how they were socialised. In order to "not sort of give the feeling that you were assisting one side or the other," we were told to behave in a specific way.

One of the most significant cornerstones of the English legal system is the tribunal. To addressa wide range of concerns, including social security, property rights, employment, immigration, mental health, etc., several Tribunals have been established. The majority of tribunals are focused on citizen complaints against the government. Employment Tribunals, which deal withdisputes between private parties and organisations, and Leasehold Valuation Tribunals, which deal with disagreements between lessees and lessors over service charges or the valuation of properties, are a few examples of tribunals that operate in the United Kingdom. In addition to this, there are several Tribunals that handle the issues under their own purview. In England, there are important distinctions between Tribunals and Ordinary Courts that can be summed up as follows:

i. Members have specialised knowledge and experience. The majority of tribunals are presided over by attorneys (some of whom are also serving judges). These individuals often sit alongside laypeople or lawyers with specialised training.

ii. The Tribunal's flexibility enables it to create and modify its procedure to meet the interests of its users, whether they are sophisticated municipal institutions or unrepresented citizens, aswell as the peculiarities of the jurisdiction.

COMMITTEE OPINION IN BRITISH TRIBUNAL

With the creation of the Local Pension Committee and the Umpire under the National InsuranceAct of 1911 and the Old Age Pensions Act of 1908[21], respectively, tribunals were the sole judicial bodies in England in the 20th century. Since then, as the Tribunals have created their own separate identities, there has been an increase in acknowledgement of their judicial standing.

The Donoughmore Committee was established in 1932 to examine the protections needed on judicial and quasi-judicial judgments in order to maintain the supremacy of law as a constitutional norm. In 1932, the committee published its Report. The Committee advocated leaving judicial judgments up to regular courts of law. The standards of natural justice must be followed, the Courts must be given sufficient authority to guarantee that the Tribunals worked within their authority, and Tribunals should only be constituted when their benefits over ordinary Courts were undeniable.

Tribunals for Users - One System, One Service was the title of the report that the Sir Andrew Leggatt Committee produced after reviewing the current Tribunal system in 2001[22]. According to the Report, the court system was thought to have flaws such delays, costs, technicalities and formalities, a lack of experience, and conservative social and political beliefs. In order to increase independence, uniform administration, and harmonised processes, a new "independent, coherent, professional, cost-effective, user friendly" Tribunal system was developed.

The Tribunals, Courts and Enforcement Act of 2007 was passed by the British Parliament. The Act created a new system of two general Tribunals together with a unified appeal

structure in place of a single Tribunal system. The Lord Chancellor now has the authority to give the two new Tribunals the authority of the current Tribunals. Additionally, he was given the broad obligation to help the new Tribunals administratively. To offer uniform administrative assistance to the recently established Tribunals, a tribunal service named the "Transforming Public Services" was established.

MERGING OF LABOUR COURT WITH INDUSTRIAL TRIBUNAL

The powers of labour court and tribunals varies. Tribunals perform quasi- judicial functions. They have certain administrative powers as well. On another hand, labour courts perform primarily judicial functions. Having industrial tribunals for speedy disposal of cases is efficientthan having labour courts. However, labour courts also have its own advantages. The labour courts have a combination of judicial persons as well as persons who have knowledge in the field of labour. It is the perfect combination of expertise plus law. Moreover, the system of labour courts have already been established in cities all over India and merging the tribunals with them will make it more efficient. A tribunal and court cannot be merged but certain features of labour courts can be retained and used in the tribunals.

CONCLUSION

The tribunals in Britain have a system or network of courts called industrial tribunals that handle a range of employment-related issues. Same goes in India with labour court and industrial tribunal but the range of its function differs as mentioned in the IDA of 1947. Employee judges in mixed labour courts, which are found in France, Germany, and Britain, are chosen from the working population and are not obliged to have specialised training. They frequently serve as works council members or trade union representatives, whose job it is to protect and advance employee interests. In India we have professional judges to deal with the cases. So, the jurisdiction and effectiveness of labour court and industrial tribunal exercise its maximum power to provide a solution for labour disputes. If we merge these two then the efficiency of it will become more effective. the important thing is its key feature and benefitting features must be taken implemented to make it much more effective in its nature.

BIBILIOGRAPHY

1. Lord Wedderburn of Charlton. "The Social Charter in Britain: Labour Law and Labour Courts?" *The Modern Law Review*, vol. 54, no. 1, 1991, pp. 1–47. *JSTOR*, http://www.jstor.org/stable/1096681.

2. Blankenburg, Erhard, and Ralf Rogowski. "German Labour Courts and the British Industrial Tribunal System. A Socio-Legal Comparison of Degrees of Judicialisation." *Journal of Law and Society*, vol. 13, no. 1, 1986, pp. 67–92. *JSTOR*, https://doi.org/10.2307/1409919.

3. Corby, S., Burgess, P., & Höland, A. (2021). Employees as judges in European labour courts: A conflict of interests? European Journal of Industrial Relations, 27(3), 231– 247. https://doi.org/10.1177/0959680120906631.

4. Robb, Peter. "Labour in India 1860-1920: Typologies, Change and Regulation." *Journal ofthe Royal Asiatic Society*, vol. 4, no. 1, 1994, pp. 37–66. *JSTOR*, http://www.jstor.org/stable/25182829.

5. Corby, S., Burgess, P., & Höland, A. (2021). Employees as judges in European labour courts: A conflict of interests? European Journal of Industrial Relations, 27(3), 231– 247.

6. Labour courts in Europe Proceedings of a meeting organised by the International Institute for Labour Studies Edited by Bert Essenberg, International Institute for Labour Studies Geneva.

7. Report No. 272- Assessment of Statutory Frameworks of Tribunals in India, Law Commission of India, October 2017.