

# **CHAPTER-VII**

**THE DISPUTES SETTLEMENT MACHINERIES -  
ADJUDICATION.**

## **Introduction**

In Bangladesh, the final stage in the settlement of industrial disputes which could not be settled either through collective bargaining or through the good offices of the conciliation machinery or through voluntary arbitration, are transferred to a statutory authority for adjudication. The Industrial Relations Ordinance, 1969, provides for the adjudication machinery which consists of two tiers viz. Labour Court and Labour Appellate Tribunal (LAT). Any aggrieved collective bargaining agent or employer or worker may apply to the labour court for enforcement of any right guaranteed by any law or award or agreement.<sup>1</sup> Conflicts arising out of interests are also referred to the labour court by the Government under certain circumstances.<sup>2</sup> This chapter is divided into two broad sections - the first section deals with the functioning of Labour Court and the second with the Labour Appellate Tribunal.

## **7.1. Adjudication by Labour Court**

Of the two machineries of adjudication, provided by the law, labour courts play a very dominant role in maintaining and ensuring industrial peace in Bangladesh. Generally the labour courts were established as a special court to dispose of labour cases expeditiously. Labour courts are not court of law but court of social justice.<sup>3</sup>

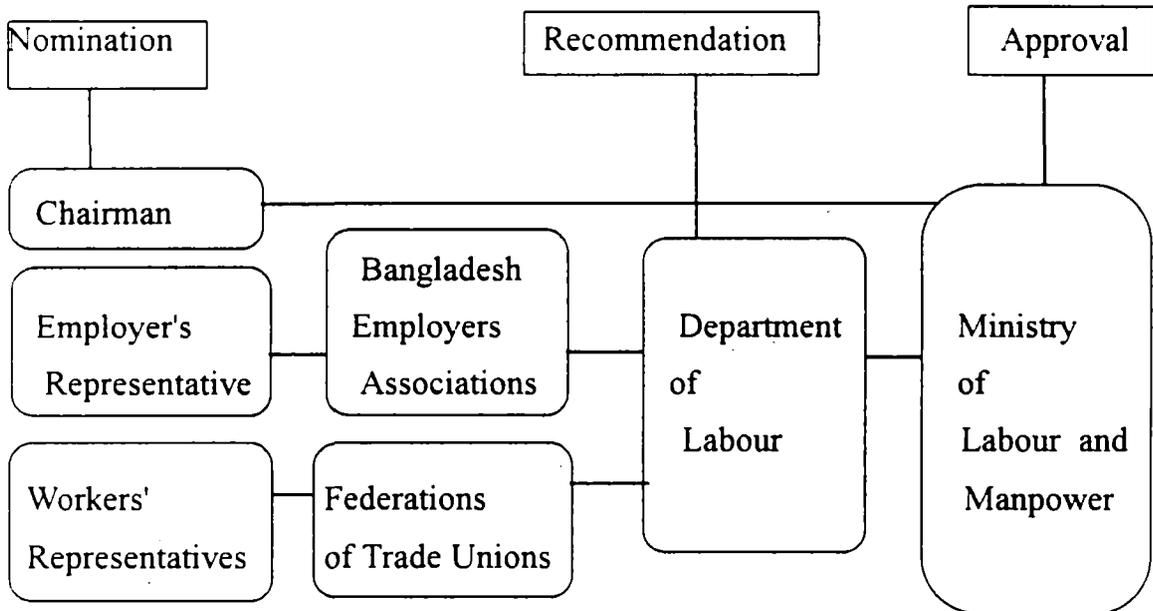
### **7.1.1. Present Set-up of Labour Courts in Bangladesh**

In Bangladesh a labour court is constituted with a chairman and two members—one representing the workers and the other representing the employers, all to be appointed by the Government in the prescribed manner.<sup>4</sup> The chairman of the labour courts is to be a Judge or an Additional Judge of a High Court or of a District Court<sup>5</sup> and who acts as a full-time chief of the court in all matters including administration, official correspondence, making the cases ready for hearing and passing order etc.

The Director of Labour, in the first instance seek nomination of the employers' representatives from the Bangladesh Employers' Associations and those of the workers from the various registered Federation of Trade Unions.<sup>6</sup> The Bangladesh Employers' Associations and the Federations of Trade Union nominate there respective representatives to the Director of Labour. On receipt of nominees of the employers and employees from the respective organisation, the Director of Labour makes a scrutiny about the representativeness of those nominees recommend a panel of five representatives from each side for each labour court to the Ministry of Labour and Manpower. Finally, the Ministry appoints the nominees recommended by the Director of Labour as member of the labour Courts. At present there are seven labour courts functioning in Bangladesh of which three are in Dhaka, two are in Chittagong and one each in Khulna and Rajshahi. The full-time employment strength of each labour court are 13<sup>7</sup> and part-time employment as member of each court are 10 (five employer's

and five employees' representatives)

**Fig. 7.1 Constitution of Labour Court in Bangladesh.**



Source: Directorate of Labour, Government of Bangladesh.

### 7.1.2. Operations of Labour Courts:

The following sub-sections will deal with the operations of Labour Courts in Bangladesh:

#### 7.1.2.1 Types of the Labour Court cases

Labour court is the ultimate destination of Industrial disputes and there by every year a large number of industrial disputes come up in labour courts for adjudication. Majority of the cases(about 81%) filed in the labour court are of individual in nature. Only about 13% of the total cases examined were categorised as "group cases" and

7% of the cases were categorised as " collective cases"

**Table 7.1**

**Types of Labour Court Cases**

Types	No. of cases	Percentage
Individual	121	80.67
Group	19	12.66
Colletive	10	06.67
Total	150	100.00

It was found that the collective issues involved alleged unfair labour practices on the part of management and different economic issues. Group cases were also individual cases in the sense that they usually involved a group of workers applying individually to the labour courts against some alleged urgent settlement done to them under certain common allegation by their management.

**7.1.2.2 Initiator of the Labour Court Cases**

Usually, individual workers file cases to a labour court. Any aggrieved collective bargaining agent (CBA) or employer may apply to the labour court at any time. Conflicts arising out of interests are also referred to the labour court by the Government under certain circumstances. Table 7.2 showed that how frequently the various parties refer the cases to the courts for adjudication.

**Table 7.2**  
**Percentage Distribution of the Labour Court Members Classified According to Their Reports as to How Frequently the Various Party Apply / Refer to the Courts for Adjudication.**

Referred by	Always	Sometimes	Rarely	Never	Not know	Total
Individual workers	100.00	--	--	--	--	100.00
Collective bargaining agent (CBA)	--	73.91	26.09	--	--	100.00
Other unions	--	15.17	69.56	15.17	--	100.00
Management	06.52	30.43	56.52	04.35	02.17	100.00
Government	--	10.87	60.87	23.91	04.35	100.00

\* Note : Total number of respondents = 46

Individual workers always file cases to a labour court, the management and union, other than CBA and the Government approach such court rarely. Of the total cases examined at the labour court level about 81% were filed by individual workers, about 7% by the CBA, 8% by a group of workers, slightly more than 3% by the union other than CBA and only 1.33% by the Government (Table 7.2).

**Table 7.3**  
**Initiator of the Labour Court Cases.**

Initiator	No. of cases	Percentage of Cases
Individual worker	121	80.67
A group of worker	12	08.00
CBA	10	06.67
Other union	5	03.33
Government	2	01.33
Total	150	100.00

### 7.1.2.3 Laws involved in the cases

In the labour courts the cases may be filed under various labour laws. Five broad categories could be identified (Table 7.4) by summarising the sample labour court cases which can be stated as under:

(a) **Complaint cases:** The cases which are entertained under section 25(i)(b) of the Employment of Labour (Standing Orders) Act, 1965 is called complaint cases. For disciplinary actions, procedure have been laid down in the said act and provides for the terms and conditions of employment of workers. Individual workers usually coming before the labour court under the law, generally for getting legal solution. It was found that about 51% of all the cases examined were filed under this law.

**Table 7.4**  
**Nature of Labour Court Cases.**

Nature of the cases	Number of cases	Percentage of cases.
1. Establishment of legal rights (IRO, Sec. 34)	37	24.67
2. Collective cases on failure of Conciliation (IRO, Sec 32)	2	01.33
3. Complaint Cases (Sec 25, standing order Act)	77	51.33
4. Criminal cases / violation cases (Sec. 54 - 56, IRO)	18	12.00
5. Concellation of registration of trade union (Sec 10-11, IRO)	16	10.67
Total	150	100.00

(b) **Establishment of legal rights cases:** Cases related to enforcement of legal rights guaranteed by any award or settlement are of this kind. These cases are entertained under section 34 of the IRO, 1969. These cases could be initiated either by a CBA or

a worker or employer. About 25% of the cases examined were filed under this section of law.

**(c) Violation cases:** There are penalty provisions for breach of settlements, awards or decisions for unfair labour practice on the part of both management and workers for illegal strikes or lockouts and other illegal actions. Cases related to this unfair practice is known as violation cases or criminal cases. These cases are entertained under the various penal provisions of the various labour laws, viz. section 54-56 of the IRO, 1969. 12% of the total cases examined are of such violation cases.

**(d) Cases related to cancellation of trade union registration:** A number of cases are filed in labour court concerning cancellation of trade union registration. These cases are filed under sections 10-11 of the IRO, 1969 by the aggrieved trade union against the Registrar of trade unions for baseless or illogical complaints made by him to a labour court requiring it to pass orders for cancellation of registration of the trade union concerned. About 11% of the sample cases related to cancellation of registration of trade unions.

**(e) Failure of conciliation cases :** These cases are filed under section 32 (IA) of the IRO, 1969 and section 6 of the IR(R)O, 1982 which provide the labour courts to be the ultimate machinery for peaceful resolution of industrial dispute. Either of the parties to industrial dispute which have failed at the conciliation level referred the same to the labour court for adjudication. This category of disputes, also called as 'collective interest dispute' and this kind of cases are very rare. Only 1.33% cases were found to be related to collective interest disputes.

From the above mentioned categories of dispute according to the law, it was found that the first four may be termed as the rights disputes, while the last one as the interest disputes. Only 2 cases (1.33%) out of 150 sample cases were found to be interest disputes.

#### 7.1.2.4. Reasons For The Labour Court Cases

To identify the reasons for the cases that were filed in labour court, two approaches were used. First, the respondents were asked a direct question in this respect and second, the sample labour court cases were examined according to their reasons. The summarised responses to the direct question (**Table 7.5**) showed that disciplinary cases like termination, suspension, discharge, dismissal, retrenchment were the most frequent cases (reported by 89% of respondents).

**Table 7.5**  
**Distribution of the Labour Court Members According to their Report as to the Issues Frequently Adjudicated.**

Issues frequently adjudicated	Number of responses	Percentage of responses.
1. Disciplinary cases (discharges, dismissal, termination etc. )	41	31.06
2. Charter of demand	14	10.61
3. Implementation of labour court decision.	17	12.88
4. Wage. allownces.	12	09.09
5. Termination for trade union activities	21	15.91
6. Cancellation of registration of trade union	07	05.30
7. Compensation for accidents	05	03.79
8. Arrear dues	08	06.06
9. Post service benefits.	07	05.30
Total I	32	100.00
Total number of respondents	46	

\* Multiple responses allowed

The next frequent reason was termination for union activities ( reported by 46 % of respondents). Other issues in order of frequencies were: implementation of previous

awards of the labour courts (reported by 37%), charter of demands cases (reported by 30%), wages and allowances (reported by 26%), arrears dues (reported by 17%), cancellation of registration of trade unions (reported by 15%) and compensation for accidents (reported by 11%). The analysis of the 150 practical cases revealed a different order (Table 7.6)

**Table 7.6**

**Distribution of the Labour Court Cases by Reasons for Dispute.**

Reason for Disputes	Court	Percentage
1. Pay, increment etc	20	13.33
2. Bonus	04	02.67
3. Fringe benefits	02	01.33
4. Physical working conditions.	07	04.67
5. Holidays, leaves, hour of work	03	02.00
6. Disciplinary action (e.g. suspenssion dimissal etc.)	60	40.00
7. Personnel matters ( e. g. suspenssion, promotion, transfer etc.)	27	18.00
8. Post service benefits (gratuity, CPF, termination benifit)	09	06.00
9. Labour welfare	05	03.33
10. Cancellation of registration of trade union	08	05.33
11. Various special allowance	05	03.33
Total	150	100.00

Disciplinary cases like dismissal, discharge, termination ,etc. comprised about 40% of all the sample cases. Personnel matter other than disciplinary mater comprised the next important category (18%). The other issues were - pay, increment, etc.(13%), post service benefits like gratuity, CPF, termination benefits (6%), cannellation of registration of Trade Union (5%), physical working conditions (5%), labour welfare

(3%). bonus issues (3%), various special allowance (3%) and others (those were less than 3%).

### **7.1.3. Effectiveness of The Labour Courts**

The effectiveness of operation of the labour court may be assessed either by the percentage of cases disposed of or by the percentage of pending cases to total cases for disposal.<sup>13</sup> Another criteria for measuring the effectiveness is how far, in fact, could the labour courts in Bangladesh adhere to and achieve the objectives of laws in dealing with the cases referred to it.

#### **7.1.3.1. Adherence to Statutory Time Limit**

The statutory time limit within which a labour court case should be decided is 60 days.<sup>9</sup> It has been found that (Table 7.7) only 11% of the labour courts cases decided within the statutory time limit and rest 89% cases took up to maximum of 72 months. 23% of the decided cases took 12 to 18 months, 10% cases were decided within 24 to 30 months. The mean time taken by the courts in deciding the cases has been calculated to be 20.12 month (Table - 7.1) As to pending cases, it has been found that<sup>16</sup> the cases of the courts were remaining pending for upto a maximum of 54 months. The modal group of cases (36.67%), however, remained pending for 6 to 12 months. The mean period for the pending cases in the labour courts has been found to be 14.77 months. The mean period for the both cases (decided and pending) in the labour court has been found 17.78 months (Table-7.8)

**Table 7.7****Percentage Distribution of the Labour Courts Cases by Length of Time.**

Time Interval	Decided Cases	Pending Cases
Within 2 months	11.11	06.67
" 3 to 4 months	05.55	08.33
" 5 to 6 months	07.78	05.00
" 0.5 to 1.0 Year	10.00	36.67
" 1.0 to 1.5 Year	23.33	15.00
" 1.5 to 2.0 Year	08.89	10.00
" 2 to 2.5 Year	10.00	06.67
" 2.5 to 3 Year	03.33	03.33
" 3 to 3.5 Year	11.11	05.00
" 3.5 to 4 Year	02.22	01.67
" 4 to 4.5 Year	02.22	01.67
" 4.5 to 5 Year	01.11	--
" 5 to 5.5 Year	02.22	--
" 5.5 to 6 Year	01.11	--
<b>Total</b>	<b>100.00</b>	<b>100.00</b>
<b>Total number of cases</b>	<b>90</b>	<b>60</b>

Decided cases : Total time from the date of filing the case to the date of its final decision  
 Pending cases : Total time for which such a case remains pending from the date of filing to the date of investigation.

**Table 7.8****Meantime for the Decided and Pending Cases.**

Nature of cases	Meantime(in months)
Decided Cases	20.12
Pending Cases	14.77
All Cases	17.78

Source : Table 7.7

Thus the labour courts in Bangladesh utterly failed to adhere to the statutory time in the disposal of the cases.

### **7.1.3.2 Absence of members**

The opinion of the members are not binding upon the chairman of the court.<sup>10</sup> If any member of the court remains absent from or is unable to attend for any reason in any sitting of the court, the proceedings of the court should continue and the decision/award might be given in the absence of such a member.<sup>11</sup> But in practice, as reported by the respondents at the labour court level(**Table 7.14**) members were not assiduous in attending the courts and in the absence of either of the members, courts did not constitute or sit in sessions. This practice of the court stood as a hindrance to the quick disposal of cases. The members absented in 70% of all the cases examined from 1 to 15 time; their average absence per case being about 4 times(**Appendix E.6**). The law also provides that if a member remain absents from three consecutive meeting, he might be removed from the court.<sup>12</sup>But so far it could be examined, not even a single member was even removed on this ground.

### **7.1.3.3 Absence of the parties**

As per law, if the first party fails to represent in the proceedings on a specified date, without intimation, the court may dismiss the case in question out of right on default. In 72% of the labour court cases examined, the first party remained absent from 1 to 7 times. On the whole, the average absence of the first party per case was 2.05 times(**Appendix E.6**). The power of dismissal on default was also frequently exercised by the court. About 42% of all the decided cases examined were dismissed on default(**Table 7.9**).

**Table 7.9****Distribution of the decided labour court cases by outcome to the applicant**

Outcome to the applicant	Number of cases	Percentage
Successful	11	12.22
Withdrawn	25	27.78
Not proceeded with	07	07.78
Unsuccessful dismissed on default	38	42.22
Unsuccessful on contest	09	10.00
Total	90	100.00

In the event of an unintimated absence of the second party to a case on a particular date, the court is also empowered to give an *ex parte* decision. But, this power was infrequently used by the court in actual practices. In 43% of the total cases examined at the labour court level, the second party absented from the proceeding of the court from 1 to 8 times. The mean absence of the second party per case was 1.27 times.<sup>24</sup> Only 10% of the sample cases were decided *ex parte*, but such decisions were subsequently revived by the court.

Both the parties simultaneously absented from the hearing of the court in 18% of the total cases examined from 1 to 5 times.<sup>25</sup> Despite the absence of both the parties, such cases were not dismissed and subsequent hearing on them went on. Thus it emerges that the courts were very liberal in exercising the power given to them by law. It also appears that the courts were more liberal to management than to worker.

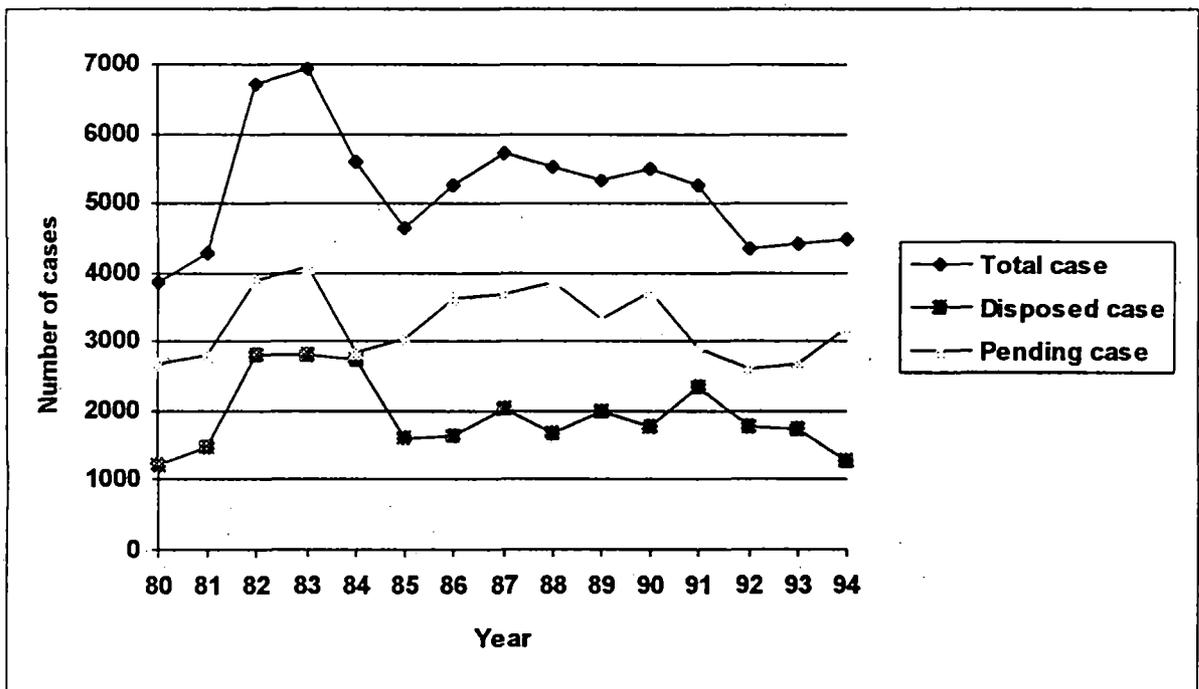
#### 7.1.3.4. Working of labour courts in Bangladesh

The number of cases filed, disposed and pending with the labour courts in Bangladesh during the period 1980-94 are depicted in **Appendices E.1, E.2, E.3 and E.4**. During this period annually on an average 5196 cases were taken for disposal by the labour courts, of which 1926 cases were disposed of and rest 3270 cases remained pending. Only 37% of the total disposal cases disposed of and the rest 63% remained pending(**Appendix E.1**). The court - wise performance regarding the deciding and pending cases during the period (1980-94) have been analysed in **Appendix E-2**. Out of yearly 5196 cases taken for disposal of which 1049 cases in the First Labour Court at Dhaka, 605 cases in the Second Labour Court at Dhaka, 737 cases in the Third Labour Court at Dhaka, 1584 and 236 cases in the First and Second Labour Court at Chittagong. 607 cases in Khulna Labour Court and 647 cases in Rajshahi Labour Court. The period average of disposed cases of per court calculated to be 319, of which 414 (39.73) cases disposed in the First Labour Court at Dhaka, 245 (41.27) in the Second Labour Court at Dhaka, 287 (39.21%) in the Thrid Labour Court at Dhaka, 444(29.21%) and 24(109) cases in the First and Second Labour Court at Chittagong, 268(44.04%) and 286(41.27%) cases were disposed in the Khulna and Rajshahi Labour Court repectively(**Appendices E.3 & E.4**).

The Pending cases of the labour courts were, 68.81% in 1980, 69.97% in 1988 and 71.40% in 1994(**Appendix E.1**). That means the percentages of pending cases recorded upward tendency which indicate the weak working condition of the labour courts in Bangladesh. The court wise analysis(**Appendix E.2**) of the cases filed with the labour courts during 1980-94 indicate that the highest number of cases were observed in the Frist Labour Court at Chittagong (30.5% of the total cases),the Third Labour Court at Dhaka placed third possition (13.29%), theRajshahi Labour Court placed fourth(12.42%),the Khulna court placed fifth(11.69%), the Second Labour Court at Dhaka placed sixth(11.65%) and the Second Labour Court at Chittagong placed

seventh (only 0.30%).<sup>13</sup> The highest percentage of cases disposed of has been observed in the Khulna Labour Court (44.04%), followed by the Second labour Court at Dhaka (41.27%) and the Rajshahi Labour Court (41.27%) .The First Labour Court at Dhaka placed third (39.73%)(Appendix E.4). Distribution of disposed cases of various labour courts also shown in Figure 7.2. Thus, the labour courts in Bangladesh could not show the optimum performance level, so far as disposal of cases were concerned.

Fig. 7.1 Working of the Labour Courts in Bangladesh, 1980-94.



#### 7.1.4. Factors Affecting The Effectiveness of Labour Courts in Bangladesh

From the above discussion on the effectiveness of labour courts in Bangladesh, it is clear that the operational effectiveness of these courts are not satisfactory. Moreover, the basic objective of ensuring industrial justice through quick settlement of cases referred to them, the labour courts seems to have totally failed.

#### 7.1.4.1 Academic Qualification of Labour Court Members

Level of education which the labour courts members possess, is an important factor which affect the effectiveness of labour court operations. About 35% of the labour court members were Graduates with specialisation in related fields, 15% were Graduates without any specialisation and remaining 30% were general Masters and Masters with specialised degree. The under-graduate level of education varied from calss VIII to Intermediate(**Table 7.10**). All these under-gratuates were workers' representative of the courts.<sup>14</sup> As evident from their selection process, workers' representatives were all federation level leaders and this findings is indicative of the low level of education of even the national level trade union leaders in Bangladesh.

**Table 7.10**

**Percentage distribution of the Labour Court member by their level of education.**

Education	Absolute percentage	Cumulative percentage
Class VIII	02.17	02.17
Matriculate / S. S. C	06.52	08.69
Intermediate / H. S. C.	10.87	19.56
General Graduate	15.22	34.78
Graduate with specialisation	34.78	69.56
General Masters	10.87	80.43
Masters with specialisation	19.57	100.00
Total	100.00	
Total number of respondents	46	

#### 7.1.4.2 Job Background of Labour Court Members

It has been found that 75% of workers representatives of the labour courts were professional trade unionist and others were technicians, clerk and advocates(**Table 7.11**).It

should be noted that the federation level professional trade unionists in Bangladesh were all outsiders having little direct link with industrial work.<sup>15</sup>

**Table 7.11**

**Distribution of the Labour Court member by their present and previous job experiences.**

Job experiences	Number of responses	Percentage of responses
1. Professional trade unionist	15	23.44
2. Technician	3	04.69
3. Conciliation officer	5	07.81
4. Accounts clark	8	12.50
5. Advocate	3	04.69
6. Personal officer	12	18.75
7. Administrative officer	8	12.50
8. Army officer	4	06.25
9. District judge and retired district judge.	6	09.37
Total	64	100.00
Total number of respondents	46	

\* Multiple answers permitted

The employers' representatives, however were mostly personnel officers(60%) and administrative officers(40%). The chairmen of the courts were senior member of the judicial services, who had necessarily devoted the major part of their service in the conventional civil and criminal courts. The adjudication of labour disputes was an entirely new field to them.<sup>16</sup> Thus the chairmen of the labour courts and a majority of the members representing the workers had very little orientation to the industrial way of life and the peculiarities of problems that might arise therefrom.

### 7.1.4.3 Workload of the Labour Courts

The effectiveness of operations of the labour courts were adversely affected due to a heavy workload on them.<sup>37</sup> But, in fact there is no such pre-determined standard of work-load.

One such annual standard disposable load might be average of the cases disposed of by all labour courts over a period of fifteen years for which data was available, which comes to 319.3 cases per year (**Appendix E.3**). But this average is affected by extreme inter-court and inter-year fluctuations. For instance, in 1984 the First Labour Court of Chittagong disposed of as high as record number of cases as 1155, while in 1994, the Rajshahi Labour Court disposed of as low as 83 cases only(**Appendix E.3**). The highest number of cases were filed in the First Labour Court of Chittagong, followed by the First Labour Court of Dhaka, Third Labour Court of Dhaka, the Rajshahi Labour court, the Khulna Labour Court, the Second Labour Court of Dhaka and the Second Labour Court of Chittagong(**Appendix E.2**).

The court which disposed of the highest average number of cases, could be taken as the best one. In terms of this criteria, the First Labour Court of Chittagong disposed of an annual average of 444 cases, performed best. Before making a final judgement about the standard disposal, personal views of the labour court's level respondents are considered relevant. A majority of such respondents strongly felt that the labour courts were over loaded. In the course of interviews with them, several members reported that deciding two or three cases per day was not at all difficult for them. Thus if two cases are taken to be disposed per working day and 270 working days are assumed per year, the standard disposal come to 540 cases per year.<sup>41</sup> But the actual disposal cases of some labour courts is quite above than the standard 540 cases. Thus, in the present situation, the courts in Bangladesh may be said to be over loaded.

#### 7.1.4.4 Problems Regarding Conducting Adjudication

The problems faced by the courts in the course of hearing the cases also affected the effectiveness of adjudication. In reply to an open ended question in this context, respondents reported various problems of adjudication (Table 7.12), which are stated below.

**Table 7.12**

**Distribution of the Labour Court Member According to Their Administrative Problems they Reported to Have Faced While Conducting Adjudication:**

Reported problems	Number of responses	Percentage of responses
1. Parties can not produce documents, evidences and witness in support of their claim.	21	16.94
2. Parties are ignorant about legal provisions.	07	05.64
3. Parties frequently pray for time	08	06.45
4. Parties frequently absent from the court	05	04.03
5. Lawyers do not come well prepared	23	18.55
6. Lawyers try to prolong the cases.	15	12.10
7. Chairmen of labour court are authoritarian they donot go through the written opinion of member.	17	13.71
8. Labour court can not give its decision in the absence of either of the parties.	10	08.06
9. Outside interference specifically from Government.	04	03.22
10. Lack of any facility for spot verification of the peculiar circumstances.	06	04.84
11. Lengthy proces of the adjudication	08	06.45
Total	124	100.00
Total number of respondent	46	

\* Multiple answers permitted. Percentage based on total number of responses.

The parties and the lawyers as the parties' representatives created most of the problems. As to parties, they could not produce documents and evidence before the court in support of their claim and arguments (responded by 46% of the respondents). Parties ignorance about the laws was another problem as felt by 15% of the respondents. The frequent time prayers (felt by 17%) and the frequent absent of the parties from the court (felt by 11%) were among other problems. Problems also come from the lawyers as the parties representatives. 50% of the respondents alleged that the lawyers used to come to the courts without sufficient preparation. About 33% alleged that the lawyers tried to stretch the cases for their personal gains. The chairman of labour court also created some problems. They are too authoritarian to give consideration to the feelings of the members about the cases they heard. About 42% of the parties, representatives raised an allegation, that the chairman of labour courts are authoritarian, they don't go through the written opinion of members.

Other problems faced in the course of adjudication, mentioned by a relatively small number of respondents, were lengthy process followed by the court (reported by 17%), labour courts did not gave its decision in the absence of either of the parties (reported by 21%), lack of spot verification facilities (reported by 13%), etc.

#### **7.1.4.5 Administrative Problems of the Labour Courts**

The labour courts in Bangladesh have to operate under certain administrative lacking which could reasonably be expected to have adversely affected the effectiveness of adjudication. The various administrative problems as collected from the labour court level respondents (Table 7.13) through an open-ended question, may be discussed under the following headings.

**(a) Problems regarding physical conditions of the Labour Courts:** The physical conditions of most of the labour court are not sound. 66% of the respondents stated that the courts did not have any arrangement for members where they sit, discuss, read

**Table 7.13**  
**Distribution of the Labour Court Member Classified According to their**  
**Administrative Problems of their Courts.**

Reported administrative problems.	Number of responses	Percentage of responses
1. Shortage of space in the court for the clients, witness and other visitors.	11	09.02
2. The court is not well-furnished or well-equipped	13	10.66
3. No arrangement is there for members to discuss, read and see-files.	25	20.49
4. Staff of the courts is short	15	12.29
5. Court's staff are inefficient.	05	04.10
6. Office supplies are inadequate	09	07.38
7. No transport facilities are there for official use.	16	13.11
8. Inadequate budgetary allocation to meet minor contingency expenses.	07	05.74
9. Poor honorarium is given to the members.	04	03.29
10. Dirty and unhygienic work environment within the court.	17	13.93
Total :	122	100.00
Total number of valid respondents	38	

\* Multiple answer allowed.

and see files. The courts had neither any adequate space for the clients and witnesses (reported by 29%) nor any required number of furnitures, fixtures and equipment (reported by 34%). Dirty and unhygienic working environment in the court was reported to be another problem by 45% of the respondents.

**(b) Problems relating other facilities:** Lack of adequate office & other facilities also interrupt normal labour court's proceedings in Bangladesh. The court did not have any transport for official purposes (reported by 42%), office supplies are inadequate (reported by 24%) and poor budgetary allocation to meet minor contingency expenses (reported by 18%)

(c) **Problems relating to staff:** The official staff of the courts were inadequate in number (reported by 40%) and maximum of them are inefficient and unskilled (reported by 13%)

(d) **Other problems:** The honorarium given to the members was felt to be poor (reported by 10%), It is to be noted that the members were paid no allowances other than a fixed daily allowances which was only Tk. 100.00 This might be one of the reasons for their disinterestedness. In the cases of retirement, resignation or death of the chairman of a court, the Government sometimes takes a long time to appoint a new chairman and in the mean time the court can not function.<sup>18</sup> There is no fixed venue for the labour courts. In some cases (9%), hearing dates had to be delayed due to shifting of the courts(Appendix E.6).

#### **7.1.5. Reasons For Delay in Deciding Labour Court Cases**

This section examines why the labour courts could not adhere to statutory time provision in adjudicating the sample cases. The reasons for delay were examined in both subjective and objective way. Subjectively, the reports of the respondents at the labour court level, in response to an open ended question, were obtained(Table 7.14). The reasons were:

##### **(a) Due to parties**

More than 78% of the respondents alleged that the parties themselves were responsible for the delay in various ways. Frequent time petition by the parties (reported by 54%) and their absenting habit stood as barriers in the way of quick disposal of the cases. Lack of interest on the part of workers is also a factor responsible for delay(as reported by 9%).

##### **(b) Due to member of the court**

Irregularity of members in attending the court (reported by 36%) and delay in

submitting the written opinion to the chairman (reported by 9%) attributed the delay in disposal cases.

**Table 7.14**

**Distribution of Labour Court Members Clasified According to their Reported Reasons for Delay in Disposing of the Cases.**

Reported reasons for delay	Number of responses	Percentage of responses
<b>1. Due to parties :</b>	<b>36</b>	<b>22.93</b>
a. Frequent time petition by the parties.	25	15.92
b. Frequent absence of the parties	7	04.46
c. Workers loses interest and do not follow up	4	02.55
<b>2. Due to members of the court :</b>	<b>20</b>	<b>12.74</b>
a. Frequent absence of of the member	16	10.19
b. Delay in submitting the written opinion by the members.	4	02.55
<b>3. Due to chairmen of the court :</b>	<b>17</b>	<b>10.83</b>
a. Absence of the chairmen of the court	7	04.46
b. Apathy of the chairmen due to old age.	10	06.37
<b>4. Due to lawyers :</b>	<b>21</b>	<b>13.38</b>
a. Lawyers do not arrived on time	06	03.82
b. Prolong attitude of the layers	15	09.55
<b>5. Due to court :</b>	<b>28</b>	<b>17.83</b>
a. Detailed procedure followed by the courts	07	04.46
b. Time allowed very liberally	11	07.01
c. Very long time allowed before the next hearing.	10	06.37
<b>6. Due to other conditions :</b>	<b>35</b>	<b>22.29</b>
a. Huge number of cases are being filed which are the over capacity of the courts	19	12.10
b. Shortage of staff in the courts	06	03.82
c. Cases are filed on trifling issues.	10	06.37
Total	157	100.00
Total number of valid respondents	46	

\* Multiple responses allowed.

**(c) Due to chairman of the court**

37% of the respondents alleged that the chairman attitude to the labour court also delayed courts' decision. Lack of interest on the part of the chairman (reported by 22%) and their absence from the court (reported by 15%) is the main reason for this delay.

**(d) Due to lawyers**

More than 45% of the respondents alleged that the lawyers delaying attitude in their personal interest (reported by 33%) or their late attendance also delayed court's decision.

**(e) Due to the court**

In the view of 61% of the respondents, liberal time allowed by the court, detailed procedure followed and very long time allowed before the next hearing are the causes delaying courts' decisions.

**(f) Due to other conditions**

About 46% of the respondents attributed this delay to one or other of certain objectives condition like huge number of cases being filed (reported by 41%), staff shortage (reported by 13%), cases filed on trifling issues (reported by 22%) etc.

To find out the objective reasons for delay in deciding labour court cases, the sample cases were analysed. In total, 18 factors explaining the reasons for delay could be identified. All these factors were, however, not applicable to all the cases. The frequencies of their occurrence are also different from one case to the other. **Appendix E.6** summarises the magnitude of and the extent to which these factors were involved in the sample cases. The main reasons for delay in the sample labour-court cases were, first party prayed for time (72%), second party prayed for time (90%), first party absented (72%), member(s) of the court absented (70%), court was busy in hearing other cases (72%), hearing adjourned for no time (70%) hearing date

shifted for unknown reasons(71%), etc.

From the above findings regarding their operation, it seems that the labour courts have largely failed in achieving the purposes for which they were constituted. The excessive delay made in giving decisions or awards have diverse implication to those concerned. The workers in Bangladesh are very poor in general. Hence, many of them do not dare to file cases against management. A few of the aggrieved workers, who had taken the shelter of the labour courts feel very frustrated due to frequent changes of hearing date. The lingering of the cases seems to bring a favourable effect to management in that they automatically win in the cases dismissed on the default of the workers. The financial strength of management allows them to keep the cases pending for an unlimited period. It also seems that the present legal provisions regarding the operation of labour courts could not ensure adequate justice to workers. In dismissal cases, a labour court cannot question the quality of the domestic inquiry if proper procedure are followed by management at plant level, The penalty provision for non implementation of the labour court decisions seems to be very liberal <sup>20</sup> and the recovery of money from an employer due to a settlement or award to be very cumbersome.<sup>21</sup> So management do not care to implement the decision of the labour courts cases.

#### **7.1.5 How to Improve the Effectiveness of Labour Courts**

The performance of labour courts in Bangladesh during the previous years are not at all satisfactory, in the context of the early disposal of the cases in particular and total operations in general. In view of the problems identified above respondents were requested with an open-ended question to suggest some measures to improve the effectiveness of labour courts in Bangladesh (Table 7.15). Suggestions of the respondents could be summarised as follows:

**Table 7.15****Distribution of Labour Court Members Classified According to the Measurer they Suggested to Improve the Effectvenes of Labour Courts.**

Suggested measures	Workers Representatives		Management Representatives		Chairman of Labour Court		Total	
	No. of responses	%	No. of responses	%	No. of responses	%	No. of responses	%
1. Reasonable time frame should be given for disposal of the cases.	11	14.29	13	23.64	03	14.29	27	17.65
2. Senior & well experienced personal in the profession should be nominated to be the member of labour court	04	05.19	07	12.73	02	09.52	13	08.50
3. No time petition should be allowed except on genuine ground.	12	15.58	08	14.55	04	19.05	24	15.69
4. Court should be deemed to be constituted in absence of a member from any side.	14	18.18	11	20.00	03	14.29	28	18.30
5. Ensure the regular session of labour court.	09	11.69	05	09.09	02	09.52	16	10.46
6. The number of labour court with adequate facilities should be increased.	12	15.58	07	12.73	04	19.05	23	15.03
7. The Concerned Govt. agencies should pay proper attention to the labour court and consider it just like civil court.	15	19.48	04	07.27	03	14.29	22	14.38
Total responses	77	100.00	55	100.00	21	100.00	153	100.00
Total valid respondents	20		20		6		46	

\* Multiple responses allowed.

1. The present statutory time limit for the disposal of a case seems inadequate. Hence a reasonable time frame should be given for disposal of the cases (suggested by 59%). In avoidance of the present liberal attitude, the labour courts should be more serious in exercising their present powers of procedural summarization. Proceedings should continue in absence of any member from any side (suggested by 61%) as per existing provisions of the law. Time-petition by the parties should not be allowed as a general rule except on genuine ground (suggested by 52%). If time is allowed in exceptional cases, it should not exceed more than one week.<sup>22</sup> As practiced in France<sup>23</sup> a conciliatory session should precede the judgement session in the labour courts

2. The members of labour court should be provided with certain minimum facilities e.g. space for sitting, separate file of the cases, typing facilities etc. Under-qualified persons should not be appointed as labour court members. Certain minimum criteria should be fulfilled before they are appointed as labour court member (suggested by 28%). In place of the present panel system of their part time employment, the court members should be appointed on a full-time basis as practiced in Sweden.<sup>24</sup>

3. Labour courts being an entirely new field to the chairmen, they may be sent for some short training in industrial relations. In view of the lack of interest on the part of the chairmen due to old ages, it is strongly felt that, comparatively young High Court or District Court Judges may be appointed for the post and for a term of at last five years so that they could spare more time before their retirement.

4. The number of labour court with adequate facilities should be increased to face increasing number of cases filed in existing labour courts (suggested by 59%). The concerned Government agencies should pay proper attention to the labour court and consider it just like civil court (Suggested by 48%). Violation of the labour courts decision should be made a more serious offense by amending the present penalty limits.

## **7.2. Adjudication by Labour Appellate Tribunal(LAT).**

According to the provisions of law if either party is not satisfied with the decisions or awards of a labour court<sup>25</sup> it can prefer an appeal to LAT within 30 days of the delivery of such award or decision<sup>26</sup> and in such a case the decision of the LAT is final. In Bangladesh there is only one Labour Appellate Tribunal for the country, located at Dhaka. As provided in the law the tribunal consist of only one member appointed by Government. The member is a person who is or has been a Judge or an Additional Judge of a High Court and is appointed on such terms and condition as Government may determine.<sup>27</sup> The decisions of the LAT is to be given with in a period of 60 days following the date of filing the appeal.<sup>28</sup> As were the chairmen of labour courts, so also the tribunal member was deprived of many usual service facilities which he enjoyed throughout his previous service life as a High Court Judge. The authority did not provide him with any houses. The physical conditions of the tribunal were no better than those of labour courts. The Tribunal has no administrative control over the labour courts.<sup>29</sup>

### **7.2.1 Effectiveness of Labour Appellate Tribunal:**

Cases coming to the tribunal are usually of two types - (a) appeal over labour court awards or charter of demands placed by the CBAs<sup>30</sup> (b) appeal over interpretation of any provision of any award or settlement.<sup>31</sup> Compared to the number of cases in labour court, the number of cases filed in the LAT is insignificant<sup>32</sup> During the period from 1980 to 1994 the total number of cases filed for disposal with the LAT was 826 of which 528 cases remained pending(Appendix E.5). During the period on the average 66.20% cases were disposed of and 33.88% cases remained pending. During the period (1980-94) on the average, 55 cases were filed in a year with the LAT of which 35 cases

were disposed and 20 cases remained pending. The majority of the respondents reported the statutory time limit provided for deciding cases by the tribunal to be reasonably adequate(Appendix A.7).

### Notes and References

1. Section 34 of the Industrial Relations Ordinance (IRO) 1969, op. cit.
2. Section 32(3) Ibid.
3. Alim Abdul, " Industrial Relations and its practice in Bangladesh ", *The Bangladesh Observer* (A widely circulated English national daily in Bangladesh) August 18, 1993.
4. Section 35(2) of the IRO, 1969, op.cit.
5. Section 35(3). Ibid.
6. Section 36, Ibid.
7. 13 full-timer of labour court are Chairman-1, Register-1, Stenographer-1, Bench Clark-1, Accountant-cum-Cashier-1, Lower Division Assistan-cum-Cashier-1, Lower Division Assistant-cum-Typist-1, Process Surveyor-1, M.L.S.S. - 3, Darwan-1, Night Guard-1, Sweeper-1.
8. Bhattacharjee, D., "The Industrial Dispute Settlement System and its Operational Effectiveness in Bangladesh," *The Dhaka University Studies, part-C*, vol. 3, No. 2, 1982, P, 86.
9. Section 32(4), the IRO, 1969 op.cit.
10. Section 35(2) of the IRO, 1969 op.cit.
11. Section 35(7), Ibid.
12. Rule 37(d) of the Industrial Relations Rules, 1977.
13. The Second Labour Court at Chittagong started operation from 1994
14. Based on Interview
15. Ahmad, K, *Labour Movement in Bangladesh*, Inside Library, Dhaka, 1978,p.vii
16. Mahmood, K.A.F, " Labour Court : Composition and Functions", *The Bangladesh Observer*, January 12, 1984.

17. Bhattacharjee, D, " The Industrial Dispute Settlement System and its operational Effectiveness in Bangladesh ". op. cit. p. 94.
18. Normal working days per year 300  
 Less sudden holidays 30  
 270  
 Assumed disposal per day x 2  
 Annual standard disposal 540
19. Reported by the Labour Court Office.
20. Sections 54 and 55 of IRO, 1969, op.cit.
21. Section 51, Ibid.
22. Khan A. A., *Handling of Industrial Disputes in the Public Sector Industries in Bangladesh*, Unpublished Ph.D. Thesis, University of Glasgow, 1986, p. 267.
23. Blanc - Jouvan, X, " The Settlement of labour Disputes in France ", in Aaron, B.,(ed), *Labour Courts and Grievances Settlement in western Europe*, Berkeley : University of California, 1971.
24. Schmidt, F. " The settlement of Employment Grievance in Sweden " in Aaron, B.(ed), Ibid.
25. Except the awards falling within the complaint cases under section 25 of the Employment of Labour (Standing Orders) Act, 1965 and the establishment of legal right cases under section 34 of the IRO, 1969.
26. Section 37(3) of the IRO, 1969 op. cit.
27. Section 38(1-2), Ibid.
28. Section 38(3), Ibid.
29. Based on field survey at Labour Appellate Tribunal Office.
30. These are filed under section 37(3) of the IRO, 1969,
31. These are filed under section 50, Ibid.
32. Bhattacharjee, D. "The Industrial Dispute Settlement System and its Operational Effectiveness in Banladesh," op. cit.

**APPENDIX E : TABLES RELATING TO ADJUCATION**

**APPENDIX E.1**

**Year - wise Filing and Disposal of Labour Court Cases (all labour courts) in Bangladesh During the Period, 1980-94**

Year	No. of cases in progress at the begining of the year	No. of Cases filed during the year	Total number of cases taken for disposal during the year.	No. of cases disposed of during the year.	No. of cases pending at the end of the year.	% of cases disposed of during the year	% of cases pending at the end of the year.
1	2	3	4=(2+3)	5	6=(4-5)	7=5/4	8=6/4
1980	2097	1779	3876	1209	2667	31.19	68.81
1981	2688	1605	4293	1467	2826	34.17	65.83
1982	2826	3878	6704	2804	3900	41.83	58.17
1983	3900	3023	6923	2823	4100	40.78	59.22
1984	4100	1505	5605	2754	2851	49.13	50.87
1985	2871	1783	4654	1618	3036	34.76	65.24
1986	3036	2220	5256	1641	3615	35.26	64.74
1987	3615	2117	5732	2038	3694	35.55	64.45
1988	3694	1844	5538	1663	3875	30.03	69.97
1989	3875	1463	5338	1990	3348	37.28	62.72
1990	3350	2149	5499	1758	3741	31.97	68.03
1991	3741	1523	5264	2364	2900	44.91	55.09
1992	2900	1464	4364	1751	2613	40.12	59.88
1993	2613	1802	4415	1729	2686	39.16	60.84
1994	2686	1796	4482	1282	3200	28.60	71.40
Total			77943	28891	49052	554.74	945.26
Period Average (1980-94)			5196.2	1926.07	3270.13	36.98	63.02

Source : Bangladesh Labour Journal (various issues). Directorate of Labour (DOL). Govt. of Bangladesh (GOB), Dhaka.

**APPENDIX E.2**

**Number of Cases for Disposal in the Various Labour Courts in Bangladesh During the Period, 1980-94**

Year	1	2	3	4	5	6	7	Total
1980	707 (18.24)	718 (18.52)	--	1224 (31.59)	--	1017 (26.24)	210 (05.42)	3876 (04.97)
1981	735 (17.12)	725 (16.89)	206 (04.80)	1228 (28.60)	--	902 (21.01)	497 (11.58)	4293 (05.51)
1982	1020 (15.21)	783 (11.68)	1144 (17.06)	1937 (28.89)	--	562 (08.38)	1258 (18.76)	6704 (08.60)
1983	1142 (16.49)	681 (09.85)	798 (11.53)	2373 (34.28)	--	722 (10.42)	1207 (17.43)	6923 (08.88)
1984	1212 (21.62)	471 (08.40)	392 (06.99)	2314 (41.28)	--	754 (13.45)	462 (08.24)	5605 (07.19)
1985	1179 (25.33)	420 (09.02)	359 (07.65)	1672 (35.93)	--	438 (09.41)	586 (12.59)	4654 (06.00)
1986	1380 (26.25)	522 (09.93)	531 (10.10)	1772 (33.71)	--	625 (11.89)	426 (08.10)	5256 (05.97)
1987	1317 (22.98)	573 (09.97)	696 (12.14)	1781 (31.07)	--	843 (14.71)	522 (09.11)	5732 (07.35)
1988	1359 (24.54)	588 (10.62)	811 (14.64)	1796 (32.43)	--	476 (08.59)	508 (09.17)	5538 (07.10)
1989	1258 (23.57)	644 (12.06)	756 (14.16)	1790 (33.53)	--	445 (08.34)	445 (08.34)	5338 (06.85)
1990	916 (15.54)	751 (13.67)	760 (13.83)	1406 (25.49)	--	554 (10.08)	1112 (20.24)	5499 (07.05)
1991	818 (15.54)	705 (13.39)	866 (16.45)	1376 (26.14)	--	456 (08.66)	1043 (19.81)	5264 (06.75)
1992	760 (17.41)	574 (13.15)	757 (17.35)	1155 (26.47)	--	511 (11.71)	607 (13.91)	4364 (05.60)
1993	1118 (25.32)	540 (12.23)	871 (19.73)	1093 (24.76)	--	373 (08.44)	420 (09.51)	4415 (05.66)
1994	824 (18.38)	384 (08.57)	1364 (30.43)	866 (19.32)	236 (05.26)	431 (09.62)	377 (08.41)	4482 (05.75)
Total	15745 (20.20)	9079 (11.65)	10311 (13.29)	23777 (30.51)	236 (0.30)	9109 (11.69)	9680 (12.42)	77943 (100.00)
Period average (1980-94)	1049.47	605.27	736.5	1583.8	236	607.27	64533	5196.20

1 = 1st Labour Court Dhaka, 2 = 2nd Labour Court Dhaka, 3=3rd Labour Court Dhaka, 4=1st Labour Court Chittagong, 5=2nd Labour Court Chittagong, 6= Labour Court Khulna, 7=Labour Court Rajshahi.

### APPENDIX E.3

#### Number of Cases Disposed of by the Various Labour Courts in Bangladesh During the Period, 1980-94

Year	Labour Courts							Total	Year Average
	First Labour Court Dhaka	Second Labour Court Dhaka	Thrid Labour Court Dhaka	First Labour Court Chittagong	Second Labour Court Chittagong	Labour Court Khulna	Labour Court Rajshahi		
1980	302	207	--	341	--	250	109	1209	241.80
1981	391	220	41	148	--	555	112	1467	244.50
1982	452	268	615	908	--	180	381	2804	467.33
1983	421	346	588	418	--	177	873	2823	470.50
1984	600	201	242	1155	--	458	98	2754	459
1985	360	246	166	361	--	153	332	1618	269.67
1986	540	168	162	516	--	131	124	1641	273.50
1987	444	259	267	259	--	543	266	2038	339.67
1988	459	170	255	309	--	193	277	1663	277.17
1989	582	162	217	629	--	255	145	1990	331.67
1990	270	303	292	356	--	284	253	1758	293
1991	254	387	368	434	--	243	678	2364	394
1992	258	226	312	269	--	301	385	1751	291.83
1993	488	332	165	391	--	180	173	1729	288.17
1994	394	177	321	165	24	118	83	1282	213.67
Total	6215	3672	4011	6659	24	4021	4289	28889	319.13
Period Average	414.33	244.8	286.5	443.93	24	268.07	285.93		

Source : Bangladesh Labour Journal ( Various Issues), DOL, GOB.

**APPENDIX E.4**

**Case Disposed Rates of the Various Labour Courts in Bangladesh During the Period, 1980-94**

Year	Labour Courts							Total	Year average
	First Labour Court Dhaka	Second Labour Court Dhaka	Thrid Labour Court Dhaka	First Labour Court Chittagong	Second Labour Court Chittagong	Labour Court Khulna	Labour Court Rajshahi		
1980	42.72	28.83	--	27.86	--	24.58	51.90	175.89	35.18
1981	53.20	30.34	19.90	12.05	--	61.53	22.53	199.55	33.26
1982	44.31	34.23	53.76	46.88	--	32.03	30.29	241.50	40.25
1983	36.86	50.81	73.68	17.61	--	24.51	72.33	275.80	45.97
1984	49.50	42.67	61.73	49.91	--	60.74	21.21	285.76	47.63
1985	30.53	58.57	46.24	21.59	--	34.93	56.65	248.51	41.42
1986	39.13	32.18	30.51	29.12	--	20.96	29.11	181.01	30.17
1987	33.71	45.20	38.36	14.54	--	64.41	50.96	247.18	41.20
1988	33.77	28.91	31.44	17.40	--	40.55	37.99	190.06	31.68
1989	46.26	25.15	28.70	35.14	--	57.30	32.58	225.13	37.52
1990	29.47	40.35	38.42	25.32	--	51.26	22.75	207.68	34.61
1991	31.05	54.89	42.49	31.54	--	53.29	65.00	278.26	46.38
1992	33.95	39.37	41.21	23.29	--	58.90	63.43	260.15	43.36
1993	43.65	61.48	18.94	35.77	--	48.26	41.19	249.29	41.55
1994	47.81	46.09	23.53	19.05	10.17	27.38	22.01	196.04	28.00
Total	595.92	619.07	548.91	407.18	10.17	660.63	619.94	3461.82	578.18
Average	39.73	41.27	39.21	29.08	10.17	44.04	41.27		38.54

Note :

1) Figures within parentheses indicate percentage

2) Third Labour Court in Dhaka and Second Labour Chittagong is working since 1987 and 1994 respectively

Source : Bangladesh Labour Journal(several issue), Directorate of Labour, Govt. of Bangladesh, Dhaka.

**APPENDIX E.5****Rate of Disposed and Pending Cases of Labour Appellate Tribunal in Bangladesh  
During the Period, 1980 - 94.**

Year	No. of cases for disposal during the Year	No. of Cases disposed of during the Year	No. of Cases pending at the end of Year	% of cases disposed of during the Year	% of cases pending at the end of the year
1	2	3	4	5	6
1980	38	33	05	86.84	13.16
1981	58	51	07	87.93	12.07
1982	42	38	04	90.48	09.52
1983	34	12	22	35.29	64.71
1984	175	44	131	25.14	74.86
1985	156	156	0	100.00	00.00
1986	25	22	03	88.00	12.00
1987	30	07	23	23.33	76.67
1988	38	31	07	81.58	18.42
1989	22	16	06	72.73	27.27
1990	24	16	08	66.67	33.33
1991	31	17	14	54.84	45.16
1992	52	38	14	73.08	26.92
1993	38	30	08	78.95	21.05
1994	63	17	46	26.98	73.02
Total	826	528	298	991.84	508.16
Period average (1980-94)	55.07	35.20	19.87	66.12	33.88

Source : Official files, Labour Appellate Tribunal, Government of Bangladesh, Dhaka.

**APPENDIX E.6****Factors Explaining the Reasons for Delay in the Sample Labour Court Cases.**

Factors	Number of times	Cases involved %	Mean
1. First party prayed for time	1-19	72	04.00
2. Second party prayed for time	1-20	90	08.20
3. Both parties prayed for time	1-6	23	00.52
4. First party absented	1-7	72	02.05
5. Second party absented	1-8	43	01.27
6. Both parties absented	1-5	18	00.32
7. Member of the court absented	1-15	70	03.90
8. Court was busy in hearing other cases	1-17	72	03.32
9. Chairman was absented	1-7	65	01.84
10. Sudden holidays	1-3	25	00.32
11. Written opinion of members delayed	1-5	30	00.66
12. Enquiries, examination and cross examination of cases.	1-8	31	00.85
13. Revival of cases on ex-parte decision.	1-2	10	00.10
14. Legal complexities	1-2	15	00.17
15. Court shifted.	1	9	00.07
16. Mistakes done by clerks (hearing date misinformed)	1	5	00.05
17. Hearing adjourned for no time.	1-8	70	02.07
18. Hearing date shifted for unknown reason.	1-7	71	02.20

Note : Total number of cases = 150

**APPENDIX E.7****Percentage Distribution of the Labour Court Members by the Parties They Represented.**

Party represents	Percentage
Workers	43.48
Employer / Management	43.48
Chairman of the Courts	13.04
Total	100.00
Total number of respondents	46