

Ans. Conciliation method is also used to settle industrial disputes in India. It has got legal recognition. Different types of machineries regarding settlement of industrial dispute have been mentioned under the Industrial Disputes Act, 1947 in which two machineries are based on conciliation method. They are as under-

1. Conciliation Officer
2. Board of Conciliation

The appropriate government may refer the dispute for settlement to any one or both conciliation machinery. It has been mentioned in the Act that the appropriate government shall appoint the Conciliation Officer and shall refer the dispute for settlement. This officer shall try to settle the dispute within 14 days by persuading both the parties

in an amicable environment. The Conciliation Officer has been given the power of court to produce the representatives of both parties in conciliation proceeding. Government may extend the prescribed time limit for conciliation on request.

On the other hand, the provision has been given under the Act that the appropriate government may constitute a Board of Conciliation if it thinks necessary. The chairman of this board shall be the government representative and its members shall be either 3 or 5 only. If the total number of members of the board is 3 then there shall be one - one representative from the government, employer and workers. If the number is 5 then there shall be one representative of government, two representative of employers and two representative of workers. It has been said that attempt shall be made to settle a dispute within two months by both the parties under the chairmanship of government representative.

If any decision is taken regarding settlement of dispute through conciliation proceeding then a written agreement shall be prepared. But in case of failure, the failure of conciliation report shall be submitted to the appropriate government by Conciliation Officer or Board of Conciliation. The agreement made by them shall be valid for a period of at least 6 months from the date of implementation of the agreement.

Different scholars have presented their views after studying conciliation method in India. Some have appreciated it while others have also criticized. Some important weaknesses of conciliation in India are as follows-

1. Appointment of Conciliator-In India, conciliation work is done by different officers of Labour Department like- Labour Commissioner, Additional Labour Commissioner, Joint Labour Commissioner, Deputy Labour Commissioner, Assistant Labour Commissioner, etc. Some irrelevancies are found in the appointments of these officers. For example- in Jharkhand any graduate is appointed as Superintendent of Labour and he may promote up to the post of Additional Labour Commissioner. They have not

knowledge of problems related to labour, methods of settling dispute, etc. at the time of joining or any specific educational qualification to perform their duty. On the basis of their training and experience after appointment, they do conciliation work. If, instead of them, conciliation work is given to persons having educational qualification related to labour, in that case the conciliation can play an important role in settling disputes in India.

2. Lack of proper training-Conciliation Officer and conciliator in the Board of Conciliation are appointment by the central and state government in India, who try to settle disputes through the negotiation. These days the nature of disputes is found more complicated and intricated than past. Before 1980, maximum industrial disputes were raised due to economic cause like-wages, allowance, bonus, etc., whereas these days more industrial disputes are arising related to non-economic reasons. Similarly, disputes arise due to increasing effect of market competition, quality control, etc. In these conditions expert conciliators can be successful in settling disputes. So, it can be said that arrangement of specific training should be made to enhance the knowledge and capability of conciliator as the demand of time and situation. But this type of arrangement is not seen in India. Hence, conciliation work is not performed properly by them.

3. Double work load-Some scholars have views that in India the persons, who are appointed as officers, are given additional work load of conciliation and separate conciliators are not appointed. So they try to perform conciliation work in haste due to double load of work. Consequently, a great number of reports of failure of conciliation are submitted to government by them. So in such condition there is necessity to appoint such persons as conciliators separately who have got special training and education.

4. Number of referred disputes- It is found that a large number of disputes are referred to a conciliation officer at a time for settlement. Similarly, on the one hand they are few in number, whereas thousands of disputes are arising day to day in the country on the other hand.

limited time for settlement of dispute-A conciliation officer is given 14 days and the Board of Conciliation is given 2 month for settlement of dispute under conciliation method in India. In such condition they do not give sufficient time in settling dispute due to time limit and load of work of their own departments. The result is that conciliation method is found to be failure.

6. Possibility of political pressure on Conciliator-In India, the conciliator is a government officer and work under Minister of central or state government. These ministers are political persons. So there is a possibility for the conciliator of being influenced by the pressure of these politicians. If they are influenced by these politicians then the conciliation work cannot be performed properly and there is a possibility of being the agreement one-sided.

7. Settlement under pressure-Some scholars opine that if any dispute is referred by the government for conciliation, in that situation, both the parties become under pressure. They fear that if they fail in settling the dispute under conciliation preceding then the government can refer the dispute to adjudication machinery and much expenses and time will be needed in settlement of dispute. In such condition both the parties try to settle the dispute due to the fear. Hence, this method becomes unable to provide complete or permanent solution. On the basis of above mentioned discussion we can say that there are some weaknesses in conciliation method in India. That is why it has not become successful in the direction of settling disputes.