

**SOS POLITICAL SCIENCE AND PUBLIC ADMINISTRATION**

**MBA HRD 403**

**SUBJECT NAME: LABOUR LAW**

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**UNIT V**

**TOPIC NAME: INDUSTRIAL DISPUTES ACT 1947**

# INDUSTRIAL DISPUTE ACT 1947

# Definition


The industrial dispute means any dispute or difference between:-

- (i) Employers and employees
  - (ii) Employers and Workmen or
  - (iii) Workmen and workmen, which is connected with
- Industrial disputes may be said to be disagreement or controversy between management and labor with respect to wages, working conditions, other employment matters or union recognition.

# Industry

As per section 2 (J) of industrial disputes act 1947, Industry mean any systematic activity carried on by cooperation between an employ and his work man for the production supply or distribution of goods and services with a view of satisfy human wants or needs.

# Objective



**Promotion of measures of  
securing, preserving Industrial  
harmony**

**Settlement of disputes between**

- **Employer – Workman**
- **Employer - Employer**
- **Workman - Workman**

**Rights of Registered Trade Union**

**Prevention of illegal- Strike; Lockout**

**Promotion of collective bargaining**

# Types Of ID's

**Interest disputes:** arising out of deadlocks in negotiation for collective bargaining

**Grievance disputes:** may pertain to discipline, wages, working time, promotion, rights of supervisors etc. also some times called interpretation disputes

**Unfair labor practices:** those arising out of right to organize, acts of violence, failure to implement an award, discriminatory treatment, illegal strikes and lockouts

**Recognition disputes:** over the rights of a TU to represent class or category of workers

# Authority

Any person who is a workman employed in an industry can raise an industrial dispute.

A workman includes any person (including an apprentice) employed in an industry to do manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward.

It excludes those employed in managerial or administrative capacity.

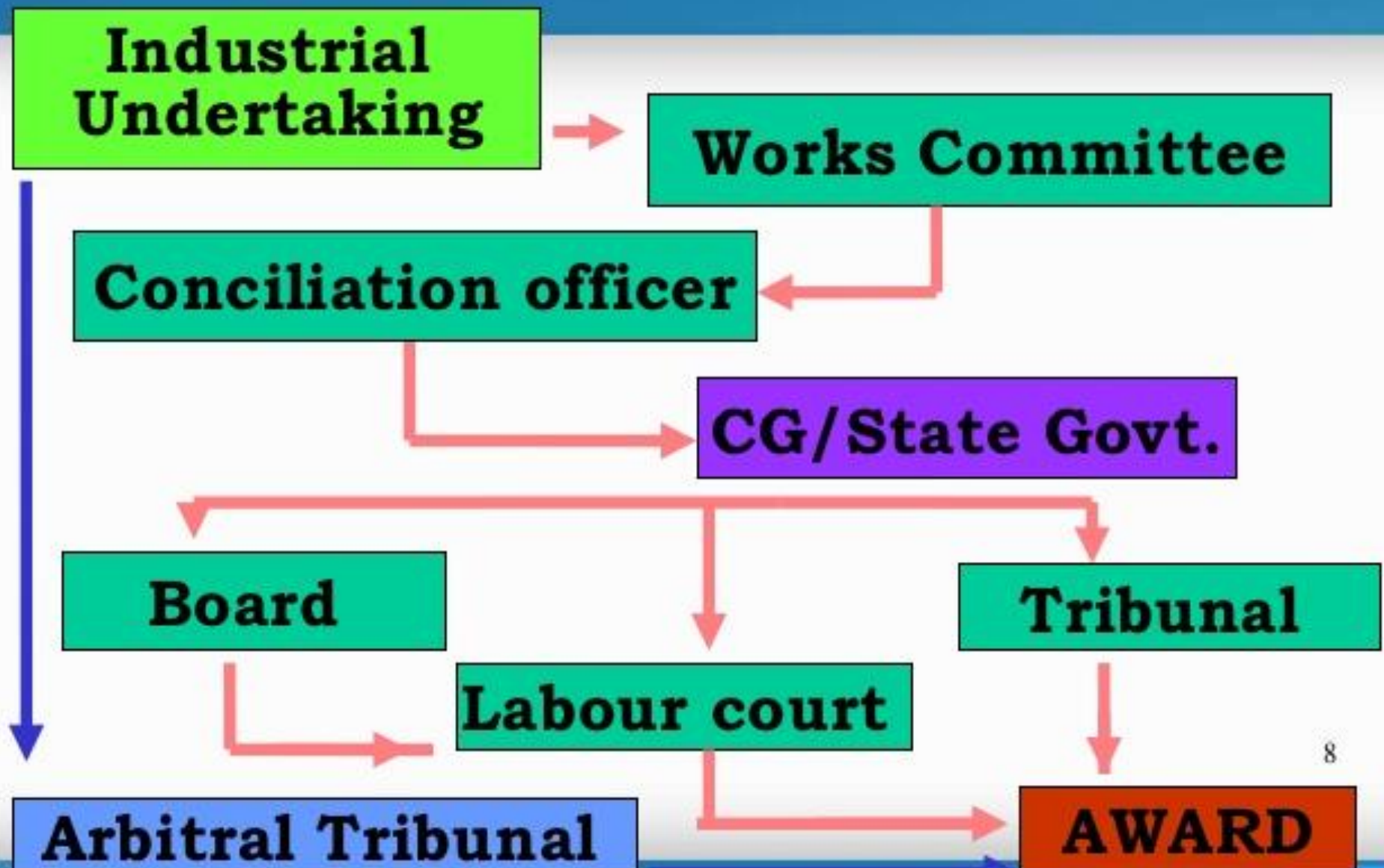
Industry means any business, trade, undertaking, manufacture and includes any service, employment, handicraft, or industrial occupation or avocation of workmen.

# Prohibition of strikes and lock-outs

- According to SEC 22 (1) No person employed with a public utility service shall go on strike in breach of contract – Without giving the employer notice of strike, within six weeks before the strike. Before the expiry of date of strike specified in such notice. According to SEC 23; No employee of any industrial establishment shall go on strike during the period when proceedings in any disputes case is going on or when final judgment is awaited .



# INDUSTRIAL DISPUTE RESOLUTION MECHANISM



# Settlement Without State Intervention

- There are two ways in which the basic parties to an industrial dispute- the employer and the employees- can settle their disputes.
  - Collective bargaining
  - Voluntary arbitration

# Settlement Under the Influence of the State

Compulsory establishment of bipartite committees.

Establishment of compulsory collective bargaining.

Conciliation and mediation (voluntary and compulsory).

Compulsory investigation.

Compulsory arbitration or adjudication.

# Voluntary Arbitration

- It is commonly viewed as less expensive and faster than resolving a dispute in court.
- An arbitrator may be a single person or a panel.
- Sometimes, however, the parties may agree to submit the dispute to an arbitrator but at the same time, reserve their right to accept or reject the award when it comes.

# Adjudication in India

**3 types of adjudication  
authorities for the  
adjudication of  
industrial disputes:**

**Labor Court**

**Tribunal**

**National Tribunal**

## Cont..

- Labor Courts and the Tribunal can be established both by the central and state governments, but the National Tribunal is setup only by the central government.
- National Tribunal is set up to adjudicate such disputes which involve any question of national importance or are of such a nature that industrial establishments situated in more than one state are likely to be interested in or affected by them.

# Introduction

- The Labor Court adjudicates disputes relating to the propriety or legality of an order passed by the employer under this standing orders, discharge or dismissal of workmen, legality or otherwise of a strike or lock-out.
- The Tribunal and National Tribunal generally deal with such subject matters as wages, bonus, profit-sharing, rationalization, allowances, hours of work, provident fund, gratuity etc.
- Strikes and lock-outs are prohibited during the pendency of the proceedings before any of the adjudication authorities, and two months after the conclusion of such proceedings and during any period in which the award is in operation, in respect of any matter covered by the award.

## Other Tripartite Bodies at the State Level

- Amongst the important tri partite committees functioning in the states are:
- Implementation and Evaluation Committees
- Committees for particular industries
- Labor Welfare Boards or Committees
- Some of these are permanent, while others are constituted as and when required.



Thank you