

Name - Kumud

Semester - 3rd

Paper- MB – HC 02

Subject - Industrial Relations.

Topic- Industrial dispute Act-1947

Date - 31/10/2020

University - MMHU.

Introduction

The Industrial Disputes Act, 1947 talks about disputes that occurs in an industry. Dispute may arise between 2 or more industries. It also makes provision for the investigation and settlement of disputes that may hamper the peace of the industry. It ensures harmony and cordial relationship between the employers and employees. It also provides various committees and offices for resolution of such disputes that arise among the industries. The Act provides self-contained code to compel the parties to resort to industrial arbitration for the resolution of disputes. It also provides statutory norms besides helping in the maintaining of cordial relation among the employers and employees reflecting socio-economic justice.

The objective of the Industrial Disputes Act 1947 is to secure industrial peace and harmony by providing machinery and procedure for the investigation and settlement of industrial disputes by negotiations. This act deals with the retrenchment process of the employees, procedure for layoff, procedure and rules for strikes and lockouts of the company.

What is the definition of industry and industrial dispute under Industrial dispute act, 1947?

As per section 2(J) of industrial dispute 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 satisfying human wants or needs.

According to Section 2A: Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

Industrial Disputes have adverse effects on industrial production, efficiency, costs, quality, human satisfaction, discipline, technological and economic progress and finally on the welfare of the society. A discontent labor force, nursing in its heart mute grievances and resentments, cannot be efficient and will not possess a high degree of industrial morale. Hence, the Industrial Dispute Act of 1947, was passed as a preventive and curative measure.

What are the types of industrial dispute?

There are four types of industrial dispute:

1. **Interest dispute:** Interest dispute arise out of deadlocks in negotiation for collective bargaining.
2. **Grievance dispute:** Grievance dispute pertains to discipline, wages, working time, promotion, rights of supervisors etc. It is also called as interpretation disputes.
3. **Unfair labor practices:** Unfair labor practices are those arising out of right to organize, acts of violence, failure to implement an award, discriminatory treatment, illegal strikes and lockouts.
4. **Recognition disputes:** Recognition disputes are disputes over the rights of a Trade Union to represent class or category of workers.

What are the dispute settlement authorities under the act, their power and duties?

The following authorities are for Investigation and Settlement of industrial disputes.

The works committee is a committee consisting of representatives of employers and workmen (section3). The works committee is a forum for explaining the difficulties of all the parties. The main objective of the works committee is to solve the problems arising in the day-to-day working of a concern and to secure industrial harmony. The function of the working committee is to ascertain the grievances of the employees and to arrive at some agreement. The committee is formed by general or special order by the appropriate Government in an industrial establishment in which 100 or more workmen are employed or have been employed on any day in the preceding 12 months. It consists of the representatives of employers and workmen engaged in the establishment. It shall be the duty of the working committee to promote measures for securing and preserving amity and good relations between the employers and workmen.

CONCILIATION OFFICER (Section 4):

For promoting and settlement of industrial disputes the appropriate Government may by notification in the Official Gazette, appoint such number of conciliation officer as it thinks fit. The main objective of appointing conciliation officer is to create congenial atmosphere within the industry and reconcile the disputes of the workers and the employers. He may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period.