

Course Name: Labour Welfare and Industrial Relations

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Lec 13: Industrial Dispute Act 1947: Disputes Settlement Machineries

Hello learners, welcome back to the course on labour welfare and industrial relations. Today we look into the dispute settlement machineries that are included as part of the Industrial Disputes Act. So if you have gone through the previous lecture, you will understand that we are going through the Industrial Disputes Act 1947 in the module 3 specifically. We have looked into what the act is all about. why there was need for such an act.

We have looked into the aspects or the salient features of the particular act. Today, we specifically look into the dispute settlement machineries available with these acts. Specifically, Industrial Disputes Act 1947.

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So when we look into the Industrial Dispute Act 1947 specifically, it came into force in 1st April 1947. The objective was specifically to prevent corruption. and settlement of industrial disputes and providing certain safeguards to the workers. We have seen extensively what those safeguards are specifically. Now, we'll try to understand what the machineries are when it comes to dispute.

The Act contains 40 sections divided into 7 chapters. That's what the status is. Now, when you look into the Industrial Dispute Amendment Act 2010, bigger improvement into the act came up in 2010 so the particular aspect which came up as an interesting scenario or

interesting point in the industrial disputes act amendment act 2010 the wage ceiling of the worker Specifically, working in a supervisory capacity has been enhanced from 1,600 rupees per month to 10,000 rupees per month.

So, more than that, the Act provides direct access for the workmen to the labour court or tribunal in case of disputes arising out of Section 2A pertaining to retrenchment, discharge, dismissal or even termination of service. So, there is a level of job security required. That is coming into picture with the Industrial Disputes Act Amendment 2010. It provides to establish a grievance reversal machinery within the industrial establishment having 20 or more workmen. And also, it is critical to note that the amended act provides to empower the labor court or tribunal.

As the case may be, to execute their awards, orders of settlements arrived at as a decree of civil court. So when you look into the Industrial Disputes Act, let us understand the machinery for the settlement of Industrial Disputes Act and this is the theme of today's lecture. When you look into the different possible machineries that exist within the ambit of this act, First one, Works Committee, Section 3, Conciliation Officers, Section 4, Board of Conciliation, Section 5, Courts of Inquiry, Section 6, and Labor Courts, Section 7, Tribunals coming under Section 7A, National Tribunals, Section 7B. Now let's look into these in detail.

When you look into specifically the Works Committees, Section 3, we understand that it is applicable to the industrial establishment in which 100 or more workmen are employed or have been employed any day in the preceding 12 months. So specifically, what we understand is that the works committee consists of representative of employers and workmen, Engage in the establishment. So basically, when we look into the specific case of works committee, let's say the number of representatives committee shall have or should not be less than the number of representatives of all the employers.

If we look into the duties of the works committee specifically, what we understand is that it is. in existence due to various reasons or to fulfill various duties like to promote measures for securing and preserving amity and good relations between the employers and workmen because that's why we have the representation from both the employers and

workmen to have a harmonious association, harmonious linkage between both. Another important duty of this works committee could be to comment upon matters of their common interests or concerns. So there might be issues where, you know, there could be a convergence. So why not bring into those convergence at an earlier stage and resolve issues? any pending conflict amicably or to not get to a conflict situation at the first place itself so this could be one of the important duty another could be what i fathom here is or i understand here is that to endeavor to compose any material difference of opinion in respect of such matters so basically when you're looking into the the entire duties of work committee we see that these might be some of the critical duties of the work committee so we see that there are a combination of employers and workmen that engage in segregation they come into and work as works committee and this is what brings out or if this comes out as one of the topmost dispute resolution machinery under the Act. The second important aspect which is covered under Section 4 of the Act is the conciliation officer. So the appropriate government may appoint such number of persons.

The wordings are quite clear. Such number of persons as it thinks fit to be conciliation officers by notification in the official cassette. So the conciliation officer mainly holds the conciliation proceedings in a prescribed manner. The team of officers investigate the dispute and settlement. They finally send report on settlement of the dispute to the appropriate government together with a memorandum of settlement signed by the parties involved.

Now, if we understand the conciliation officers closely, if we read section 4 closely to be precise, there are certain duties that are mentioned of conciliation officers and some of them would be that in every, let's say in every industrial dispute existing or even apprehended, the conciliation officer shall hold the conciliation proceedings in a prescribed manner. so this is something which we have already understood with respect to our discussion on the conciliation officer so for settling that he or the team may investigate and the conciliation officer shall technically you know send a report and more importantly if no such settlement because there is a possibility because every conflict need not be resolved in the first place or prime affairs say there could be situations where the conciliation officers fail or there might be long-standing tussle that is existing and it

cannot be you know solved in one sitting so if no such settlement is arrived at the conciliation officer Shah, as soon as practically after the close of investigation, typically sent to the appropriate government a full report, a detailed report, setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute specifically and bringing about a settlement thereof. together with a full statement of such facts and all the circumstances and the reasons on the account of which in his opinion specifically a settlement could not be alive that so we see that the conciliation officers tries his or her maximum to solve the issue that is what he or she is for but

If there are situations like no settlement situations are arriving, he has or she has to take a clear stand and send the report to the government and take the necessary action. So if on consideration of, let's say, the failure of report, let's look into the worst case scenario referred here. Government is satisfied that there is a case for reference to a board or maybe a labor court or tribunal or any such competent authority. that could be made or forwarded for a reference. So where the appropriate government does not make such a reference, it shall record and communicate to the parties whoever are concerned.

So this is something that brings in the essential functioning of conciliation office or what he or she is liable to do. And specifically we look into section 12 report under section 12 mainly it is categorically stated there shall be submitted within 14 days of commencement of the conciliation proceedings or with such shorter period as may be fixed by the appropriate government. So there are certain specifications given even for the report submission and this is the vital process that the conciliation officers have to undertake. When you look into the board of conciliation, board of conciliation takes over when conciliation fails specifically. The functions of the board of conciliation are same as those of conciliation officer.

There is hardly any difference. The difference is a board shall consist of a chairman and two or four other members. It's a larger entity where, you know, there'll be greater authority and there'll be greater deliberation that would be warranted in such a situation and an informed decision possibly could be obtained. So objective is clear. Investigation and settlement of individual disputes, as in case of the previous case, the board shall submit its report immediately.

Here, within two months of the date on which the dispute was referred to it or within such shorter period as may be fixed by the appropriate government. So, these are some of the specific aspects of salient features, you know, concerned with the Board of Conciliation. So, again, if no such settlement is arrived at, that's interesting to note here. that if no such settlement is arrived at, the section is very clear on this, the board shall, as soon as practical after the close of investigation, send to the appropriate government a detailed report on the steps taken by the board for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof. So that the report shall also contain a full statement of all the facts and circumstances and even the reasons on account of which, in its opinion, a settlement could not be arrived.

So there ends the function of Board of Conciliation. It cannot shy away from performing its duties. It has to forward the report if no such settlement is arrived. Another important machinery when it comes to the Industrial Disputes Act is the court of inquiry under Section 6. So court shall inquire into the matters referred to and report thereon to the appropriate government ordinarily within a period of six months.

So the duration is increasing. The cases might be a little more serious or severe from the commencement of its inquiry. So what we see is that the court consists of generally two or more members. One of them shall be appointed as the chairman. So basically the appropriate government may as occasion arises by notification the official guest set constitute a court inquiry for inquiring into any matter appearing to be connecting with or relevant to a particular industrial dispute.

So the court of inquiry happens to be another important machinery. A court shall specifically inquire into all the matters generally referred to it and obviously report there on to the appropriate government ordinarily within a period of six months. So this is what exists as another important machinery within the ambit of the act. Then we have the labor courts. Section 7 categorically covers the labor courts and it is being defined as a mechanism where a certain level of justice or certain level of dispute resolution happens.

So when the requirement is to adjudicate the following disputes relating to matters specified in the second schedule, the main aspects would be the propriety or legality of an

order passed by an employer under the standing order, the application and interpretation of the particular standing order that is existing discharge or dismissal of workmen including reinstatement of our grant of relief to workmen wrongfully dismissed withdrawal of any customer concession or privilege and finally illegality or otherwise something related to strike. or lockout so this are some of the specific aspects coming under the prerogative of the labor courts so generally when we see the labor courts the labor court shall hold its proceedings expeditiously that's the key requirement there and shall as soon as practicable on the conclusion thereof submit its particular award to the appropriate government and that is mentioned in the section 15 So these are some of the machineries which we were discussing, the fifth one being the labor courts. Now let's look into something which is very much common and very much communicated within the media, which are the tribunals, Section 7A.

Industrial tribunals have a wider jurisdiction and this makes them more popular than a labor court. So it shall discharge judicial functions though it is not a court. So this is something which has to be taken into consideration and when you are looking into or comparing with other judicial bodies, it does not have that much of power. It is but it is having a wider jurisdiction and following specific area comes under its jurisdiction.

One, wages including the period and mode of payment, the compensatory and other elements specific to the payment and the benefits associated with the work of the particular individual. There could be considerations emerging out of hours of work and the rest intervals specifically. Because it is not only the monetary aspects, but also the rest associated or the leave, you know, hours of work and rest intervals that are very critical. Leaves are also considered, leaves with wages and holidays. They are also, you know, a classic point which comes under the jurisdiction of tribunals.

Bonus or maybe profit sharing, even PF and gratuity, they come under the jurisdiction of tribunals. You have rules of disciplines and even factors or matters related to retrenchment of workers are also part of this jurisdiction. And that's it. When you are looking into the duties specifically of tribunals, you should make a note of the fact that the duties of a tribunal are same as those of a labor court specifically. So you see that this

is an extension, but it is having a wider jurisdiction because we have seen an exhaustive list of the factors or the areas coming under the jurisdiction of tribunals.

Now, let's look into the National Tribunal, which is described in Section 7, Clause B. It adjudicates industrial disputes which, in the opinion of the central government, involve questions of national importance. Specifically or are of such a nature that industrial establishments situated in more than one state are likely to be interested in or affected by such disputes. So the presiding officer of a national tribunal shall be the judge of a high court. So this is something which is very particular to national tribunals only. When you look into the duties specified under subsection 2A of section 10 and specifically section 15,

Where an industrial dispute has been referred to a labor court, tribunal or national tribunal for adjudication, please note, it shall hold its proceedings expeditiously and shall within the period specified in the order referring such industrial disputes or the further period. So extended under the second provision of the subsection, which I mentioned, subsection 2A of section 10, submit its award to the appropriate government as such. So this would be yet again another important aspect or important requirement. This would be another critical machinery which would be existing within the ambit of the Disputes Act for solving industrial disputes. Now, when you are walking through the Industrial Disputes Act, we have seen a large number of possibilities of emergence of industrial disputes.

Might not be able to stop disputes in the first place. But what we can do is essentially we can address those disputes or we can at least put a check on the on the particular issue. So these machineries which we have discussed today ranging from individual conciliation officers to tribunal to court, all these aspects are critical machineries that come under the ambit to prevent or to mitigate industrial disputes from flaring up, from increasing its momentum and going out of control.

So please note, Industrial Disputes Act essentially has the the particular provisions of these machineries to control specifically the disputes and to keep a check on these disputes and ensure that it does not go out of control. Thank you for listening to me

patiently. We'll come up with more details of Industrial Disputes Act in the next few lectures in the module 3. Till then, take care. Bye-bye.Amen.