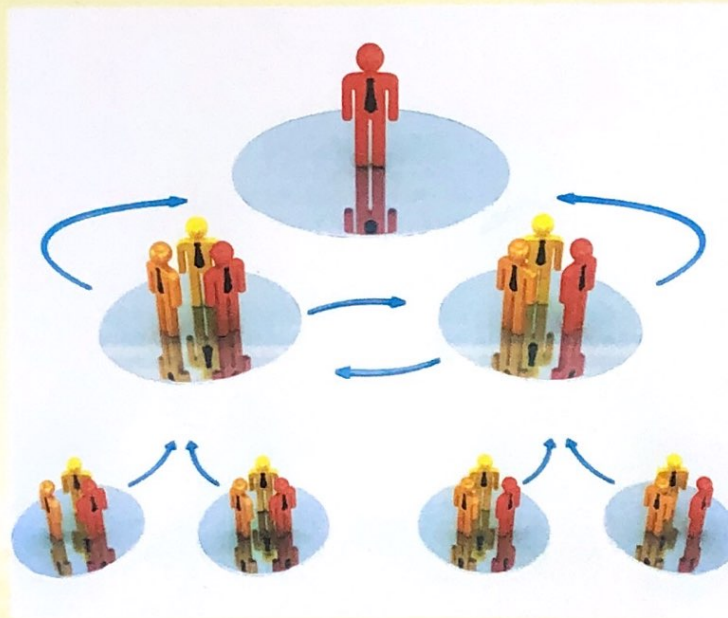


DISHA COLLEGE

DEPARTMENT OF MANAGEMENT

NOTES FILE



SUBJECT NAME- BUSINESS LAW

SUBJECT INCHARGE- Ms. HARMAN JOT KAUR

Industrial Dispute Act, 1947.

- Industrial Dispute are the disputes arises due to any disagreement in an industrial relation involves various aspects of interactions between the employees and the employers
- The employer and the workers always had a difference of opinion.
- leads to lots of conflicts among and within both of these parties.
- These issues were brought to the attention of the government and decided to pass this Act.
- This Act was formed with the main objectives of bringing peace and harmony to industrial disputes between parties and solving their issues in a peaceful manner.
- came into force on 1 April 1947.
- Sec 2(j)

" "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;
- Industrial Dispute - Sec 2(K)

" Industrial Dispute is any dispute of difference between employers and employers or between employers and workmen ; or between workmen and workmen, which is connected with the employment or non-employment

or the terms of employment or with the conditions of labour of any person."

* Forms of Industrial Disputes :-

1. Strike :- quitting work by a group of workers.
2. Lock out :- step taken by the employers to put pressure on workers close down the workplace until the workers agree to continue the work on the terms and conditions as given by the employers.
3. Gherao :- action taken by workers under which they restrict the employees to leave the work premises or residence. It is illegal act according to the law.
- 4) Picketing :- When workers are not allowed to report for the work by deputing some men at the factory gates. If picketing does not involve any violence it is perfectly legal.

* Objectives :-

- To encourage good relations between labor and industries, and provide a medium of settling disputes through adjudicator authorities.
- Prevent illegal strikes & lockouts.
- Reach out to labor that has been laid-off, unrightfully etc.
- Provide labor the right to collective bargaining & promote conciliation.
- To provide a committee for dispute settlement between

industry and labor.

★ Reasons / common causes of an industrial dispute:-

- Demand for higher wages and allowances
- Demand for payment of bonus and determination of its rate.
- Demand for good and safer working conditions
- Demand for improved labour welfare & other benefits like:
 - adequate canteen
 - accommodation
 - travel expenses (office work)
- Retrenchment and personal issues are also a big cause of industrial disputes.

★ Industrial Dispute Settlement Machinery:-

The act provides for the following authorities for investigation and settlement of industrial disputes:-

(i) Works Committee - (Section 3)

- consisting of representatives of employers and workmen (sec 3)
- 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 agreements.

(ii) Conciliation officer (Section 4):-

- The appropriate govt may by notification in the official gazette appoint such number of conciliation officer as it thinks fit.
- hold. conciliation proceedings, investigate the disputes and do all such things as he thinks fit for the purpose of inducing the parties to arrive at a fair settlement of the disputes.
- Has the power to enter the premises and inspect documents.
- The report by the C.O has to be submitted within 14 days of ~~the commencement~~ to the appropriate government.

(iii) Boards of Conciliation (Section 5):-

- In case, the Conciliation Officer (C.O) fails to resolve the differences between the parties, the govt has the discretion to appoint a board of conciliation.
- consist of a chairman and 2 or 4 other members.
- submit its report within 2 months of the date on which the dispute was referred to it.

(iv) Court of Inquiry:- (Section 6)

- The court consists of 2 or more members one of whom shall be appointed by the chairman.
- Within a period of 6 months, the court has to send a report thereon to the appropriate govt. from the commencement of its any inquiry.

(v) Labour Court (Section 7):-

- consist of one person only to be appointed by the appropriate government.
- It refers to getting the dispute settled through an independent person chosen by the parties involved mutually & voluntarily.
- who is an ex-judge of a high court.
- must not have attained the age of 65 years.

(vi) National Tribunals (Section 7B):-

- It consist of one person only to be appointed by the Central Government.
- The person shall not be qualified for appointment as the presiding officer unless he is a judge of High Court.
- The Central government, if it thinks fit, appoint 2 persons as assessors to advise the National Tribunal.