ABSTRACT
Industrial Disputes are indispensable part of Industrial Relations system. Industrial disputes are the disputes, which arise due to any disagreement in existing industrial relations which affects the fabric of Employer-employee relations at work places. Industrial Disputes not only results in discomfort and loss to the employees equally employers interests are also greatly affected in many ways. Anxiety, chaos, strained relations, failure of industrial peace, harmony are some of the ill effects of Industrial Disputes which quiver the spirit of collective bargaining. Many countries including India had strategically devised its own procedures and policies to regulate the relations between the working class and employers. Industrial adjudication has indisputably paved a way to decisive part in the settlement of industrial disputes and in ameliorating the working conditions and conditions of employment in India. This paper examines the system of settlement of Industrial disputes in the light of the provisions of Industrial Disputes Act 1947.

Key words: Industrial Dispute, Industrial Relations, Employers, Industrial Peace, Collective bargaining, Settlement.

INTRODUCTION
The term Industrial Relations is the catchphrase in the world industrial scenario. Settlement of Industrial Disputes is a challenging task on the part of the management. Though each country has its own procedure to regulate the Industrial Relation, many disputes emanate which hamper the industrial peace and harmony. No industry is exception to this. No country is free from the Industrial Disputes. Whenever there is a conflict of concern, it may result in discontentment for either of the parties involved and hence lead to industrial disputes or conflicts. These disputes may take various forms such as protests, strikes, demonstrations, lockouts, retrenchment, dismissal of workers, etc. The causes of disputes however differ from country to country. But in our country the disputes are mainly due to demand for higher wages & allowances, bonus, working conditions and conditions of employment, welfare, social security etc.

INGREDIENTS OF INDUSTRIAL DISPUTES
Industrial Disputes arise due to disagreement in Industrial Relations. When there is a clash of interest, it may lead to dissatisfaction or discontent between the parties which results in disputes or conflict. The first enactment for settlement of Industrial disputes in India was Employer’s and Workmen’s Disputes Act 1860. The Act was criticised as some of the provisions were against the interest of workers which paved the way for another Act called Trade Disputes Act 1929. Industrial Disputes Act 1947 provides for the settlement of disputes for preserving industrial harmony and peace. The Supreme Court in the case of Workmen of Dimakuchi Tea Estate Vs Dimakuchi Tea Estate, AIR 1958, S.C 1953 laid down that the purpose of the ID Act 1947 is to promote measures of securing and preserving amity and good relations between the employer and workmen. There are many restriction
and precondition for strike, lock out, lay off, retrenchment and closure under the ID Act 1947. Various authorities are established for investigation and settlement of industrial disputes. They are work committee, conciliation officers, Boards of conciliation, Court of Inquiry, Labour Court, Industrial Tribunal and National Tribunal. The careful analysis of the definition of the Industrial Disputes under section 2 (k) detonate the following essential factors.

(a) there should exist a dispute or difference
(b) the dispute or difference should be between employer and employer, employer and workmen, workmen and workmen,
(c) The dispute or difference should be connected with employment or non employment, or the terms of employment, or the conditions of labour of any person.
(d) The dispute should relate to an industry as defined under section 2(j)

The disputes can be raised either by the workmen or by the trade unions. Until the incorporation of Section 2 A, individual dispute was not construed as an Industrial Dispute. The only condition for an individual dispute to become an industrial dispute as decided in the case of Diamkuchi Tea Estate is that the presence of community of interest. If an employer discharges, dismisses, nowevers an individual dispute can be termed as an industrial dispute. Industrial dispute can be initiated by the legal heirs of the deceased workmen. The subject matter of the dispute is the dominant factor to be considered to fit in to the provision of Industrial Dispute. The meaning of the term “employment or Non employment” was explained by the federal court in the case of Western India Automobile Association vs. Industrial Tribunal.

**METHODS OF SETTLEMENT OF INDUSTRIAL DISPUTES**

Disputes can be settled through effective collective bargaining process. The system of collective bargaining as a method of settlement of industrial dispute has been adopted in industrially advanced countries. The International Labour Organization has defined “collective bargaining” as; Negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers, organization, on the one hand, and one or more representative workers, organizations or the other, with a view to reaching agreement. The Supreme Court has also laid down that ‘collective bargaining’ is a technique by which dispute between labour and capital are resolve damicably by agreement rather than by question The Industrial Disputes Act 1947 provides for systematic procedure to deal with the Industrial Disputes. The settlement machinery includes, works committee, conciliation officer, courts of Inquiry, Labour Court, Industrial tribunal and National tribunal. So before the dispute is referred to arbitration, it is mandatory that the conciliation part is failed to bring an amicable settlement. Settlement means settlement arrived at in the course of conciliation proceedings.

**Works committee**

In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may require the employer to constitute a Works Committee consisting of representatives of employers and workmen engaged in the establishment The number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their tradeunion, if any, registered under the Indian Trade Unions Act, 1926.It shall be the duty of the Works Committee to promote measures for securing
and preserving amity and good relations between the employer and workmen and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

Conciliation officers

The appropriate Government has been authorized to appoint one or more Conciliation Officers for mediating and promoting the settlement of industrial disputes. Where any industrial dispute exists or is apprehended, the Conciliation Officer may or where the dispute relates to a public utility service and a notice under Section 22 has been given shall hold conciliation proceedings in prescribed manner. The Conciliation Officer has to submit his report to the Government within fourteen days of the starting of conciliation proceedings. The Conciliation officer will try to bring about a fair and amicable settlement between the parties to dispute. If a settlement arrived at, the Conciliation Officers will send a report to the Government along with a memorandum of settlement duly signed by both parties. This settlement come into force from the date agreed upon by the parties to dispute or in its absence the date on which it was signed by them and is binding for a period of six months unless agreed upon otherwise, and after the period afore said, until expiry of two months from the date on which a notice in waiting of the intention to terminate the settlement is given by one of the parties to the other party or parities to the settlement. Such a settlement is binding on all parties to the industrial dispute, to the employer, his heirs, successors or assignees and to the workmen employed in the establishment on the date of the dispute.

Board of conciliation

The appropriate Government can also appoint a Board of Conciliation for promoting settlement of industrial disputes. The chairman of the board is an independent person and other members (may be two or four) are to be equally represented by the parties to the dispute. The Board of Conciliation is to investigate the dispute and all matters affecting the merits and do all things as it thinks fit to bring the parties to consensus for fair and amicable settlement. A report has to be sent to the government by the board whether a dispute is settled or not within two months of the date on which the dispute was referred to it. A settlement comes into operation on the date agreed upon by the parties to the dispute and in case no date is agreed upon, the date on which the memorandum of the settlement is signed by the parties to the depute, a settlement is binding for such period as is agreed upon, for a period of six months from the date which the memorandum of settlement is signed by the parties to the dispute.

Court of enquiry

The government may appoint a court of enquiry for enquiring into any industrial dispute. Generally Court of Inquiry is constituted when no settlement is arrived at as a result of efforts made by the Conciliation Board. A Court of Inquiry is required to enquire into the matter referred to it and report appropriate Government. A court may consist of one person or more than one person in that case one of the persons will be the chairman. The report of inquiry is to be in writing and sign by the all members but any of its members is free to record any minute of dissent from any office recommendations. The idea of Court Inquiry is new in this Act and has been borrowed from the British Industrial Court Act, 1919. Under the British Act, the Minister-in-charge can constitute a Court of inquiry to enquire into and report on the causes and circumstances of any trade dispute together with its own recommendations. The Court of Inquiry has to submit its report within six months. After receiving the report of the Court of Inquiry, the Government may refer the dispute to
one of the adjudication authorities or Labour Courts or Industrial Tribunal or National Tribunals as the case may be.

Labour court

Labour Court is an adjudication authority set up under the Industrial Disputes Act, 1947. It is the one man Court presided over by a person who has held either a judicial position in India for not less than seven years or who has been a presiding officer of Labour Court constituted under any state act for not less than five years. The function of labour Court is to adjudicate on matters referred to it and is listed in the schedule II appended to the Act, which includes:

(a) The propriety or legality of an order passed by an employer under the standing orders;
(b) Discharge or dismissal of workmen including re- instatement of or grant of relief to workmen wrongfully dismissed;
(c) Withdrawal of customary concession or privilege.
(d) Illegality or otherwise of a strike or a lock – out.
(e) All matters other than those provided in the Third Schedule appended to the Act.

Industrial tribunal

The appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule and for performing such other functions as may be assigned to them under the ID Act 1947. According to [Sec 10 (2)] when parties in the industrial dispute apply to the government to refer dispute to the industrial tribunal and if government satisfies it shall make the reference to the industrial tribunal. According to [Sec 10 (6)] no Labour Court or Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal.

National tribunal

The Central Government may, by notification in the Official Gazette, constitute one or more National Industrial Tribunals. Its main function is the adjudication of industrial disputes which involve questions of national importance or affecting the interest of two or more States. According to [Sec 10 (1-A)] dispute involves any question of national importance or is of such a nature that industrial establishments situated in more than one State, whether it relates to any matter specified in the Second Schedule or the Third Schedule, the government will order in writing refer to National Tribunal for adjudication. According to [Sec 10 (2)] when parties in the industrial dispute apply to the government to refer dispute to the National Tribunal and if government satisfies it shall make the reference to the National Tribunal.

Arbitration

Under 10 (a) provision is made for voluntary reference of disputes to arbitration. Whether the dispute is before Labour Court, or Industrial Tribunal or National Tribunal, the parties can go to arbitration by written agreement. The arbitrators conduct the investigation into the dispute matters and give arbitration award (final decision or settlement or decree) as for making reference of an industrial dispute. If an industrial dispute exists or is apprehended and the employer and the workman agree to refer the dispute to arbitration, they may refer the dispute to arbitration. The arbitrator may be
appointed singly or more than one in number. The arbitrator or arbitrators shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

**Grievance Settlement Authority**

Every industrial establishment employing 20 or more workmen shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances. The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen. The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year. The total number of members of the Grievance Redressal Committee shall not exceed more than 6, Provided that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members is more than two, the number of women members may be increased proportionately. The Grievance Redressal Committee may complete its proceedings within forty-five days on receipt of a written application by or on behalf of the aggrieved party. The workman who is aggrieved of the decision of the Grievance Redressal Committee may prefer an appeal to the employer against the decision of Grievance Redressal Committee and the employer shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the workman concerned.

**CONCLUSION**

As Industrial Disputes bring adverse effects on industrial production, efficiency, costs, quality, human satisfaction, discipline, technological and economic progress and finally on the welfare of the society, government had made a systematic procedure to settle the disputes as discussed above. Industrial peace and building positive morale can be achieved only through the effective grievance settlement and dispute settlement machinery. The Industrial Disputes Act 1947 is a mile stone in the development of labour welfare for promoting industrial harmony, amity and good relations which lead to increased production and productivity. The settlement machinery under the Industrial Disputes Act 1947 strives to bring the desired results as the number of disputes settled is rapidly rising in recent times. Though India is pioneer in promotion of Collective bargaining through Gandhian Principles, due to extensive politicisation of Unions, increased expectation associated with awareness built by the media and other sources, the grievances also creep in many ways leading to disputes. Intervention of third party becomes inevitable and it is highly felt in India and in almost all industrially advanced countries as the magnitude of the labour problem increasing which require effective settlement system to preserve peace.

**References**

**Books**


REPORTS AND DISSERTATION

RESEARCH ARTICLES