



**ORIGINAL RESEARCH PAPER**

Law

**INDUSTRIAL DISPUTE ACT - 1947**

**KEY WORDS:**

**Dr. R. M. Dave**

Head, Department of Human Rights and International Humanitarian Laws  
Saurashtra University, Rajkot, Gujarat.

**ABSTRACT**

Industries, this term is concern with Universal development, also direct connected with Labour, Society, Employer, Nation, Economy and human development. In India, Industrial dispute act is working as a blood of skeleton. It provides guidance, order and healthily relation between Employer and Employees, Employers and Employers, and Employees and Employees. It is deal with disputes regarding the same. In future this act must be very helpful for development of our nation.

**INTRODUCTION**

In the early colonial period of Industries, state follows the policy of 'laissez faire' and never tries to interfere in productive process. Employer's motive was always being more and more profit making. For the said purpose they required very cheap labour and payment of very low wages, and not give any welfare treatment to the labour.

Chronologically development of industry started and the new era of trade unions have been developed in the universal, and they now slowly settlement of destitute through negotiation i.e. "collective Bargaining". Hence, litigation and disputes are decreasing. However disputes have been exhibited through strike, lockout, retrenchments, lay-off, dismissal of workers etc. some of the important causes of an industrial dispute are :

1. Wages
2. Bonus
3. EPF / Gratuity / ESI (WCP)
4. Safe working place / conditions.
5. Labour welfare (Canteen, rest, house facility, travel arrangement etc.)
6. Family welfare of labour.

**• THE INDUSTRIAL DISPUTE ACT – 1947**

The industrial Dispute Bill was introduced by the Government of India in the Legislative Assemble on the 28th October 1946. After the select committee's report on 3<sup>rd</sup> February, 1947, with some amendment, it was passed in March 1947 and became the law from 1<sup>st</sup> April, 1947 repealing the Trade Disputes Act, 1929. Section 10 of the Industrial Dispute Act, 1947 consists of the essential principles of Rule 81-A of the Defense of India Rules. In India, the Industrial Dispute Act, 1947 is the main legislation for investigation and settlement of all industrial Dispute.<sup>1</sup>

Some earlier act before the industrial dispute act are : (1) Employer & Workmen Dispute Act – 1860 (Against the worker) (2) Trade Dispute Act – 1926 (Special provision regarding Strike) (3) Rule – 81 A of Defence of India Rule (During the world war-II) (Ban of Strike, Mediation) (4) Rule 81 A lapse on 1<sup>st</sup> Oct 1946 after the Industrial Dispute Act come into force.

**• SALIENT FEATURES OF THE INDUSTRIAL DISPUTE ACT, 1947.**

1. Extent of the Act. : Extends to whole of India including the state of Jammu and Kashmir (From 1970)
2. Application of the Act : The Industrial Dispute Act, 1947 apply on Industry which is define in the said act u/s – 2(j)
3. Comprehensive machinery for investigation and settlement of Industrial dispute.
4. Prevention and settlement of the Industrial dispute.
5. Reference by the appropriate Government.
6. Compulsory settlement of Industrial dispute by way of adjudication.
7. Speedy disposal of Industrial dispute.

8. Enforcement of awards by the appropriate Government.
9. Prohibition of strike and lock-outs.
10. Regulation of lay-off, retrenchment of the workmen and transfer and closure of industrial establishment.
11. Public utility services.
12. Compensation to workmen in case of lay-off, retracement, transfer or closure of industrial establishment.<sup>2</sup>

**For the Industrial Dispute Act, 1947 we can understand as per below mention three stages :**

**(A) Disputes between below mention three parties :-**

- Employer – Employees
- Employers – Employers
- Employees – Employees

**(B) Reasons of Disputes :-**

- Working wages / timing / terms and conditions
- Strike
- Lockout
- Retrenchment
- Lay-off etc.

**(C) Solution (Authorities under the Industrial Dispute Act) :-**

- **Non – adjudicatory Machinery**
  - 1) Works Committee (Section – 3)
  - 2) Conciliation Officer (Section – 4)
  - 3) Board of Conciliation (Section – 5)
- **Adjudicatory Machinery**
  - 1) Court of Enquiry (Section – 6)
  - 2) Labour Court (Section – 7)
  - 3) Industrial Tribunal (Section – 7(a))
  - 4) National Tribunal (Section – 7(b))

• **Arbitration**

- 1) Voluntary Arbitration (Section – 10-A)

• **Courts**

- 1) High Courts and the Supreme Court (Arts. 136, 226 & 227 of the Const. of India)

**CONCLUSIONS:**

The Industrial Dispute Act – 1947, i.e. very important for the next generation of nation for the development of society as well as nation and economy also. Because every developing country needed to be run their industries very smoothly so the society can benefited with the best products / services. In the case of *Banglore Water Supply and Sewerage Board V. A. Rajappa [A.I.R. 1978 SC 548]* here the case is clear that whether a particular enterprise is an industry or not. From this case we got the **TRIPLE TEST FORMULA** :- An Enterprise if prima facie an Industry if it is: (1) a systematic activity; (2) organized by co-operation between employer and employees; (3) for the production and / or distribution of goods and services calculated to satisfy human wants and

wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making on a large scale Prasad or food).<sup>3</sup>

#### REFERENCES

1. Dr.S.R.Myneni, Labour Law – I, 2017.
2. *Ibid*
3. *Ibid*