

INDUSTRIAL DISPUTES ACT, 1947

This is a comprehensive law for the investigation and settlement of industrial disputes and cover all railway workmen other than those employed in supervisory capacity whose wages exceed Rs 1600/- per month. Industrial disputes under the act means any dispute or difference of opinion (a) between the employer and the employees and (b) between employer and workmen Or (c) between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour or any person.

Subject matter of an Industrial Dispute should be one of the following matters:- (a) Employment; (b) Non-employment; (c) Terms of employment; (d) Conditions of Labour.

DEFINITION OF INDUSTRY:- Industry means a business, Trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workman.

DEFINITION OF WORKMAN:- Under the ID Act, workman means any person (including an apprentice) employed in any industry to do any skilled/unskilled manual supervisory/ technical or clerical work for hire or reward including any persons who have been dismissed, discharged or retrenched but does not include any person ---

- a) Who is employed to Air force Act or Army Act, or
- b) In police service or in imprison, or
- c) Employed in managerial or administrative capacity, or
- d) Who being employed in a supervisory capacity, draws wages exceeding Rs 1600/-Pm.

AUTHORITIES FOR INVESTIGATION UNDER THE ACT:-

(a) **Works Committee;** where 100 or more workmen are employed in any industry, such committee is constituted with equal number of representatives of workmen and management. The representative of the workmen shall be chosen in the prescribed manner from among the workmen engaged in consultation with their Trade Unions, if any.

(b) **Conciliation Officer** is appointed in order to mediate and promote settlement of industrial disputes for a specified area or for one or more industries for a permanently or for limited period.

(c) **Board of Conciliation**, the appropriate Govt may be considered for constitute the same if occasion arises for promoting the settlement of an industrial dispute.

(d) **A Court of enquiry** may be appointed for inquiring into any matter of disputes.

(e) **Labour courts**. The appropriate Govt. may constitute labour courts for the adjudication of disputes relating to various matters like illegality of Strike or Lockout discharge/ dismissal etc.

(e) **Tribunal** appointed by Government for adjudicating dispute.

(f) **National Tribunal** the Central Government may, by notification in the Official Gazette constitute one or more National Industrial Tribunals for adjudication of industrial dispute where the issues involving of national interest.

DEFINITIONS

STRIKE means a cessation of work, by a body of person employed in any industry acting in combination or a concerted refusal under the common understanding of any number of persons who have been so employed to work or to accept employment.

Lock-out means closing of a place of employment or suspension of work or refusal by an employer to employ any person employed by him.

Lay Off in case of inability of employer to give work to workmen on account of shortage of coal, power, raw material, accumulation of stocks, breakdown of machinery, etc. When a workman is laid off, he gets 50% of total basic pay and D.A.

Public Utility Services mean the services which are essential to the life of community, such as Railways, Transport, Postal, Telegraph or telephone, electric & water supply etc. In public interest, the appropriate Government may declare any other industry to be public utility service. In such a service, workmen are prohibited to go on strike and the employers are prohibited to declare lockout except after satisfying certain conditions.

Illegal Strike/Lockout:-

1. In a Public Utility Service Strike is prohibited:

- (a) Unless at least fourteen days notice of the intention to go on strike is given to the employer;
- (b) after six weeks of giving such notice;
- (c) before the expiry of the date of strike specified in the strike notice and
- (d) during the pendency of conciliation proceedings and within seven days of after the conclusion of such proceedings.

2. Other Industries:- In any industry, whether a public utility service or not- strikes are prohibited:-

- (a) during the pendency of conciliation proceedings before a board and within seven days of after the conclusion of such proceedings;
- (b) during the pendency of proceedings before a Labour court or Tribunal and two months after the conclusion of such proceedings;
- (c) during the pendency of arbitration proceedings before an Arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under section 10-a (3A) ; and
- (d) during the period of operation of a settlement or an award in respect of a lockout by the management also.

[E.S.No.81/78;25/79;48/82;147/89;62/92;108/92;143/92;147/89]

Retrenchment/Termination of Service:- Retrenchment consists termination of services of a workman, by the employer, for any reason, whatsoever otherwise than as a punishment inflicted by way of disciplinary action.

Retrenchment does not include:

- a) Voluntary retirement of a workman, or
- b) Retrenchment of the workman on reaching the age of superannuation, or
- c) Termination of service for non-renewal of the contract or,
- d) Termination of service on the grounds of ill-health.

[No workman having continuous service for not less than one year under an employer shall be retrenched until one month notice in writing is given and period of notice has expired or the workman has been paid in lieu of notice wages. He is given compensation equivalent to 15 days average wages for every completed year of continuous service or part.]