

A Critical Study on Industrial Disputes Act with Special Reference to Welfare Implications

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ABSTRACT

India is often acknowledged as a 'Welfare State', a belief deeply rooted in the Directive Principles of State Policy outlined within the Indian Constitution's Part IV, spanning Articles 36 to 51. These provisions incorporate the country's dedication to the welfare of its people and the progress regarding the same. An essential inquiry that arises nowadays is if our legislative measures genuinely align with India's ethos as a welfare-oriented nation?

There are various laws attributing to the welfare legislations like : the Rights of Persons With Disabilities Act (2016), Rehabilitation Council of India Act (1992), and the National Trust Act (1999). This paper will focus on labour welfare legislations in particular. Instances of labour legislations includes the Factories Act of 1948, Employees Provident Funds Act of 1952, Industrial Disputes Act of 1947, Employee's Compensation Act of 1923, Payment of Bonus Act of 1965, Payment of Wages Act of 1936, and Employees' State Insurance Act of 1948.

Specifically, this study zeroes in on the Industrial Disputes Act of 1947, a legislative measure designed to address and resolve industrial conflicts and serve the interests of workers as defined under section 2(s) of the Act. The primary objective is to conduct a comprehensive analysis of the practical impact of the Industrial Disputes Act on society. Through this thorough examination, we aim to unveil the true societal implications and the actual influence of this legislation purportedly aimed at welfare on our communities and labour force.

KEYWORDS: Welfare State, Welfare Legislations, Labour Legislations, Industrial Disputes Act, Ambiguities in the Act.

INTRODUCTION

The UK saw the emergence of the term "Welfare State" during the Second World War. Canterbury Archbishop William Temple originally coined the phrase in 1941 in a book titled "Christianity and the Social Order." Mr. William Beveridge, a former British Member of Parliament, is regarded as the Father of the Welfare State. William Temple used the term to differentiate between wartime Britain and the warfare State of Nazi Germany respectively. In particular, the "Labour Britain" that emerged after 1945 was referred to as a welfare state. In actuality, welfare states have existed for a little over a century. It appeared in civilizations where states were already well-established and capitalism was the dominant economic system.

WHAT IS A WELFARE STATE?

According to Merriam-Webster, the term means a social system based on the assumption by a political state of primary responsibility for the individual and social welfare of its citizens.¹ Public accountability and fair opportunity are the cornerstones of a welfare state. Ensuring that everyone has access to a fair level of life and advancing the social and economic well-being of its citizens are its primary goals. This is accomplished by a variety of laws and initiatives that promote independence and self-sufficiency while simultaneously helping those in need. To put it plainly, the government is essential to preserving and advancing the social and economic well-being of its people.

GENERAL RESPONSIBILITIES OF A WELFARE GOVERNMENT

In the words of Ha-Joon Chang, a South Korean economist;

*“A well-designed welfare state can actually encourage people to take chances with their jobs and be more, not less, open to changes.”*²

Universally, the following are some of the paramount responsibilities of any government belonging to a welfare state:

- Healthcare
- Social Security/ Safety Nets
- Education
- Housing
- Labour Rights
- Anti-discrimination Methods
- Income redistribution, etc

Various welfare state models, with differences in the proportions of the public and private sectors, taxation rates, and the generosity of social programs, have been implemented by various nations.

INDIA AS A WELFARE STATE

In India, the idea of a welfare state is enshrined in the Indian Constitution from Articles 36 to 51, under Part IV, The Directive Principles of State Policy. The following are the wordings of the same;

- *“The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all institutions of national life.”*³ - Article 38
- *“The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”*⁴ - Article 39A

The phrasings above demonstrate that India is inherently a welfare state. The Indian Government has also launched many schemes and policies for the welfare of its people. For instance;

- Atal Pension Yojana (for senior citizens)

1. https://www.merriam-webster.com/dictionary/welfare%20state?utm_campaign=sd&utm_medium=serp&utm_source=jsonld
2. <https://www.goodreads.com/quotes/tag/welfare-state>
3. <https://www.constitutionofindia.net/articles/article-38-state-to-secure-a-social-order-for-the-promotion-of-welfare-of-the-people/>
4. <https://www.constitutionofindia.net/articles/article-39a-equal-justice-and-free-legal-aid/>

- Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) (for rural unemployed people)
- Midday Meal Scheme (for children)
- Pradhan Mantri Kaushal Vikas Yojna (for the youth population)
- Ayushman Bharat Yojana (for the general population)
- Deendayal Disabled Rehabilitation Scheme
- Standup India (for SC/ST/Women entrepreneurs) and so on

Some of the welfare schemes formulated by the Indian Government for workers/labourers are as follows:

- Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) (for those having a bank/post office a/c)
- Pradhan Mantri Suraksha Bima Yojana (PMSBY)
- Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (ABPMJAY)(for secondary and tertiary care hospitalisation)
- Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) (pension scheme for those workers who are not a member of EPFO/ESIC/NPS) and so forth.

Though there are many more programmes as such for the welfare of the population, a report by the Ministry of Statistics and Programme Implementation stated that irrespective of the great funds provided by the Central Government, some of the programmes failed to achieve their respective set of targets. The reasons for this include mismanagement by both Central and State Governments, corruption during the implementation of the schemes, and lack of public support. In summary, it is evident that India has significant challenges in achieving its goals as a result of poor implementation and widespread corruption. These obstacles hinder development and pose a serious threat to the government's efforts to improve the standard of living for its citizens.

WELFARE LEGISLATIONS OF INDIA

Our country has several laws that promote the welfare of its citizens. Some of these laws include The Rights of Persons With Disabilities Act, of 2016, the Rehabilitation Council of India Act of 1992, and The National Trust Act of 1999, among others. However, are all of our laws advancing the idea that India is a welfare state? One of the welfare laws that is most frequently studied is the Industrial Disputes Act of 1947, which will be further examined since the researcher believes that a more thorough examination of the law is essential in order to answer this question.

India has a well-developed and extensive set of labour laws that are designed to protect the rights and interests of workers and to promote their overall welfare. These laws cover a wide range of issues, such as ensuring fair and decent wages, improving working conditions, ensuring workplace safety, providing social security benefits, and more. The laws are aimed at creating a safe and fair working environment for workers, and ensuring that they are treated with dignity and respect. Overall, India's labour laws are seen as an important tool for ensuring social justice and economic growth in the country. Some of the labour legislations of our country are:

- The Factories Act of 1948
- The Employees Provident Funds Act of 1952
- The Industrial Disputes Act of 1947
- The Employee's Compensation Act of 1923

- The Payment of Bonus Act of 1965
- The Payment of Wages Act of 1936
- Employees' State Insurance Act of 1948

THE INDUSTRIAL DISPUTES ACT OF 1947

Among the aforementioned list of legislations, The Industrial Disputes Act, of 1947, is an important labour legislation in India because as a developing nation, India's progress is dependent on the growth of its industries, so laws pertaining to this area are essential to the country's economic development. This Act is one among the several Acts under the Industrial Relations. The Industrial law in pre-independence years was in a rudimentary or elementary form per se. As industries started to develop, the Industrial Laws also evolved alongside. The Industrial Disputes Act of 1947 governs the resolution of industrial disputes and provides a framework for maintaining industrial peace. Dissatisfaction with the existing economic conditions is the root cause of industrial disputes in general.

OBJECT OF THE ACT

The object of the Act as laid down in the preamble of the Act is to make provision for the investigation and settlement of industrial disputes⁵. The principal objects of the Act as analysed by the Supreme Court of India in the case *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*,⁶ are as follows;

- The creation of measures for securing cordiality and good relations between the employer and workmen
- An investigation and resolution of labour disputes by a registered trade union, federation of trade unions, association of employers, or federation of association of employers between employers and employers, employers and workmen, or workmen and workmen with the right to representation
- The prevention of illegal strikes and lock-outs
- Assistance to employees about layoffs, reorganisations/retrenchment and closure of an undertaking.
- Collective bargaining⁷

FEATURES OF THE ACT

Some of the distinguishing features of the Act are summarised as under:

1. An agreement between the parties to the issue or the State Government, if it sees fit, may send any industrial dispute to an industrial tribunal.
2. For the duration of the designated period, which cannot exceed a year, the award will be binding on both parties to the dispute. The government will typically enforce it.
3. Lockouts and strikes are forbidden in the following situations:
 1. while conciliation and adjudication proceedings are pending;
 2. while settlements reached during conciliation proceedings are pending;
 3. while Industrial Tribunal awards that have been declared binding by the relevant Government are pending.

5. ⁵ https://www.indiacode.nic.in/bitstream/123456789/17112/1/the_industrial_disputes_act.pdf

6. ⁶ AIR 1958 SC 353

7. ⁷ Text on Labour and Industrial Laws; S.N. Mishra

4. The relevant government may, for a maximum of six months, proclaim the transportation (apart from railroads), coal, cotton, textiles, food, and iron and steel industries to be public utility services for the purposes of this Act when it is in the public interest or in an emergency.
5. Workmen must get compensation from their employer in the event of a layoff or retrenchment.
6. Additionally, provisions have been made for paying workers' compensation in the event that an endeavour is transferred or closed.
7. Industrial conflicts can be resolved by a variety of institutions, including the Works Committee, Conciliation Officers, Board of Conciliation, Courts of Inquiry, Labour Courts, Tribunal, and National Tribunal. Although various authorities have different roles, responsibilities, and powers, they are all crucial to maintaining industrial peace.⁸

To sum up, this Act plays a vital role in maintaining labour relations, ensuring fair treatment of employees, and providing a framework for dispute resolution in the industrial sector.

INDUSTRIAL RELATIONS ACT Vs. INDUSTRIAL RELATIONS CODE

There are many distinctions between the Industrial Relations Code and the Act but the following are the few main distinctions between them.

SUBJECTS	IR ACT	IR CODE
INDUSTRY DEFINITION	Under the term 'industry' there are no explicit exceptions. This aspect is mostly dealt with by judicial interpretations.	The term 'industry' does not include certain activities. They are : (i) Institutions owned or run by organisations that are entirely or primarily involved in providing charitable, social, or philanthropic services; (ii) any activity of the appropriate government related to its sovereign functions, such as all the work done by its departments on space, atomic energy, and defence research; (iii) any domestic service; or (iv) any other activity that the Central Government may notify.
FIXED TERM	No such provision exists	All statutory benefits,

8. ⁸ Text on Labour and Industrial Laws; S.N. Mishra

EMPLOYMENT		including gratuities, will be available to him even after he serves for a year in a fixed-term job position.
DEFINITION OF AN EMPLOYEE	Never existed—the exception being "workman," which the Code does not include.	Definition of an Employee includes any manual, operational, management, supervisory, technical, or clerical labour that is done for pay or reward that is skilled, semi-skilled, or unskilled.
DEFINITION OF AN EMPLOYER	Trade Union Act lacked a definition. The Industrial Disputes Act and the Industrial Employment (SO) Act defined, but did not include industrial occupiers.	Definition of an Employer is provided. Employing people directly or through another individual, such as a factory occupant or someone with ultimate authority over the operations of the facility.
PRIOR PERMISSION FOR LAY OFF, RETRENCHMENT AND CLOSURE IN INDUSTRIAL ESTABLISHMENT	Applied for industrial facility with at least 100 employees	Pertains to an establishment that employs at least three hundred people (but not one that is seasonal or where employment is done only sporadically).
NEGOTIATING COUNCIL	Did not exist	By adopting the concept of a negotiating council or union, it has closed a loophole that allowed for the exploitation of the many unions within an establishment or organisation.
WAGES	Exclusion of house rents, allowances, conveyance allowances and so on.	Excludes allowances like conveyance and house rent allowance.

INDUSTRIAL DISPUTES ACT AS A WELFARE LEGISLATION

The following are some of the manners in which the Industrial Dispute Act of 1947 serves as welfare legislation of the country:

DISPUTE RESOLUTION

The Industrial Disputes Act provides a critical framework for resolving disputes between workers and employers in a peaceful and harmonious industrial environment. This comprehensive mechanism allows for the amicable settlement of disputes between employers and employees or groups of employees, creating a stable and productive labour force for the benefit of all stakeholders. The Act's legal procedures aim to prevent prolonged strikes, lockouts, and labour unrest that can have adverse effects on the well-being and welfare of workers. Its implementation is essential in maintaining a conducive and productive working environment while ensuring the welfare of all stakeholders. Before an industrial dispute can be raised there must first be an established relationship between the employer and the employee. In the case, *Management of Safdar Jung Hospital, New Delhi v. Kuldip Singh*⁹ the court held that it was not necessary that there must be a profit motive but the enterprise must be analogous to trade or business in a commercial sense.

JOB SECURITY

The Act aims to safeguard workers from unfair dismissal, layoffs, and factory closures. With the goal of promoting job security, the Act offers several protections to workers. These include regulations on retrenchment, limitations on the closure of industrial establishments, legal remedies and adjudication, and discouragement of unfair labour practices. The Act plays a vital role in ensuring that workers enjoy job security and are not subjected to arbitrary dismissal or retrenchment. It is vital to note that while the Act offers protections and job security, it also recognizes the legitimate needs of employers to manage their workforce efficiently. The act aims to strike a balance between the rights and welfare of workers and the operational requirements of businesses. In *Municipal Corporation of Greater Bombay v. Labour Appellate Tribunal of India*,¹⁰ The court ruled that retrenchment is only allowed when an employer terminates services in good faith, not as a disciplinary action or punishment.

COLLECTIVE BARGAINING

Collective bargaining is a crucial means for workers to negotiate better working conditions, wages, and benefits, and the IDA recognizes its significance. The ID Act lays down a regulatory framework to ensure that this process occurs fairly and contributes to the welfare and well-being of workers while promoting industrial peace and harmony. The Act facilitates the formation of trade unions and the negotiation of collective agreements, which can significantly improve the welfare of workers. It contributes to collective bargaining through the recognition of Trade Unions, the formation of works committees, providing procedures for collective bargaining, provisions for conciliation and dispute resolution, adjudication by the Labor Court, legal protection for strikes and lockouts, protection against unfair labour practices, and more. In *Karnal Leather Karamchari Sanghatan v. Liberty Footwear Company (Regd.) and Ors.*,¹¹ the Apex Court held that the Industrial Disputes Act of 1947 was enacted to ensure social justice through collective bargaining. The Court further added that the Act states that arbitration falls under statutory tribunals.

9. ⁹ AIR 1970 SC 1407

10. ¹⁰ AIR 1957 Bom 188

11. ¹¹ 1990 AIR 247

COMPENSATION FOR LAYOFF

The Act mandates that if a worker is laid off or retrenched, they are entitled to receive compensation. This compensation can provide some financial security to affected employees during difficult times. The Act also provides provisions for the conditions under which compensation is given, the period of compensation, and aspects related to an employee's ability to return to work. In *K.T. Rolling Mills v. M.R. Meher*,¹² it was held that the provisions for payment of compensation for lay-off do not mean that the employer can pay lay-off compensation and declare lay-off. Compensation cannot be awarded in advance of actual lay-off.

PROTECTION FOR UNFAIR LABOUR PRACTICES

The Industrial Disputes Act has several provisions that prevent employers from engaging in unfair labour practices such as discriminating against workers based on their union activities and imposing unfair labour conditions. Some of the methods used to prevent such practices include protection against unfair dismissal, the right to join a trade union, prohibition of unfair labour practices, compensation for unfair practices, and redressal mechanisms. By regulating and prohibiting unfair labour practices, the IDA ensures that workers are treated fairly and equitably in their employment relationships. Such protection is essential for safeguarding the welfare and rights of workers, promoting harmonious industrial relations, and maintaining a peaceful and productive work environment. In *Eveready Flash Light Company v. Labour Court Bareilly*,¹³ one of the observations made by the Allahabad High Court is that it is not necessary that there must be numerous transactions before the employer could be branded guilty of unfair labour practice and that he could be held guilty even in respect of one contract of employment.

For the most part, the Industrial Disputes Act in India is designed to protect the rights and well-being of workers while ensuring industrial harmony. It plays a critical role in balancing the interests of both workers and employers and advances social justice in the labour market.

AMBIGUITIES IN INDUSTRIAL DISPUTES ACT

Martin Luther King Jr. once said;

“Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.”

While the Industrial Disputes Act in India serves as an essential piece of labour legislation, like any law, it has faced criticism and has been subject to various interpretations and challenges. They tend to become the ‘loopholes’ of the legislation that make it difficult for the Act to exist as a ‘Welfare Act’. Hereunder are some of such aspects that act as a hindrance to the legislation:

COMPLEX PROCEDURES

India's Industrial Disputes Act has been criticised for having complex and time-consuming dispute resolution procedures, which can be a potential loophole in the effective resolution of industrial disputes. The IDA is aimed at protecting the rights and interests of workers while promoting their overall welfare. However, the complex procedures, while designed to ensure fairness and thorough consideration of disputes, can sometimes lead to inefficiencies and lengthy legal battles. This complexity can lead to delays in the resolution of disputes and can be a barrier to accessing justice for both employers and employees.

12. ¹² (1962) II LLJ 667 (Bom)

13. ¹³ (1962) II LLJ 204

Some of the reasons for criticism include lengthy legal processes, delayed resolutions, administrative burden, potential for legal manipulation, and limited accessibility. Balancing the need for a comprehensive dispute resolution framework with the imperative for efficient and timely resolutions is an ongoing challenge in labour law.

ARBITRATION AND CONCILIATION PROCESS

As per the Industrial Disputes Act of 1947, conciliation and arbitration are the preferred mechanisms for resolving disputes. However, some critics argue that these mechanisms may not always favour employees as there are potential loopholes in the legislation. For instance, there are concerns about bias if an employer has a role in selecting or appointing arbitrators. Additionally, employers may have more bargaining power, financial resources, or legal expertise than individual employees or labour unions. Employers may also include arbitration clauses in employment contracts, which may limit employees' ability to seek legal remedies under the ID Act or other labour laws. Moreover, the enforcement of arbitral awards may be influenced by the legal framework and local practices in a particular jurisdiction. Finally, a lack of transparency can lead to concerns about fairness and potential employer influence.

THRESHOLD / INITIAL REQUIREMENTS

The Industrial Disputes Act is designed to protect the rights and interests of workers in industrial establishments. However, the act only applies to establishments with a specific threshold of workers, leaving smaller establishments with fewer employees without the same level of protection. To avoid certain obligations under the ID Act, some employers may keep their workforce below the established threshold by outsourcing work or employing contract labour. Additionally, the ID Act may not comprehensively cover non-standard employment arrangements, such as gig workers or those in the informal sector, who may not meet the threshold requirements. The existence of various threshold requirements for different provisions of the ID Act can make the regulatory environment complex, leading to disputes over the Act's applicability. To enhance compliance and enforcement and prevent employers from exploiting these thresholds to the detriment of workers' rights and welfare, measures could be taken. Balancing the need for protection with the challenges faced by smaller establishments and employers in the informal sector is an ongoing consideration in labour law and policy in India.

DEFINITION OF WORKMEN

The Industrial Disputes Act of 1947 is a well-developed and extensive set of labour laws that aim at creating a safe and fair working environment for workers while protecting their rights and interests and promoting their overall welfare. The Act defines "workmen" to determine who is eligible for its protections. However, this definition has been the subject of disputes and legal interpretations, leading to uncertainty about who qualifies as a "workman" under the law.

Under the Act, section 2 (s) defines "Workman" as *any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied.*¹⁴ This definition is inclusive and covers a wide range of workers, including those engaged in both manual and clerical/supervisory roles. However, in today's evolving work landscape, where job roles and responsibilities are constantly

14. ¹⁴ https://www.indiacode.nic.in/show-data?actid=AC_CEN_6_6_00039_194714_1517807328510§ionId=24309§ionno=2&orderno=2

changing, the ID Act's definition may not always keep pace with these changes. This can create issues when determining whether certain workers are considered workmen under the Act.

The ID Act provides exemptions for certain categories of employees or establishments, including managerial or administrative employees, employees in confidential positions, and those engaged in work of a seasonal or intermittent nature. These exemptions could be seen as a potential loophole if they are used by employers to exclude specific employees from the protections and benefits offered by the ID Act. The ID Act's definition of "workmen" encompasses a broad range of employment categories, but the terms used, such as "supervisory work" and "skilled work," can be open to interpretation. The classification of employees as workmen or not may impact their ability to engage in collective bargaining and access certain labour rights.

To address potential loopholes related to the definition of workmen, policymakers and labour authorities should periodically review and update the definition to ensure that it remains relevant and effective in protecting the rights and welfare of a diverse workforce.

OBSCURITY IN TERMINOLOGIES

The Industrial Disputes Act of 1947 is a crucial piece of legislation in India that aims to protect the rights and interests of workers and promote their overall welfare. However, the Act contains terminology that is subject to multiple interpretations, leading to legal disputes and litigation. Ambiguities in the language of the law can lead to disputes, legal challenges, and different interpretations, which can affect how the act is enforced. For instance, the Act contains various terms and definitions, such as "workman," "industry," "trade dispute," and "unfair labour practice," which can lead to disputes over whether specific situations or individuals fall within the scope of the Act, potentially affecting the rights and protections of workers. Similarly, ambiguities in the classification of workers or exemptions for certain categories of employees or establishments can lead to disputes over whether specific employees or employers qualify for exemptions, affecting the application of the act. Moreover, the Act contains provisions related to strikes and lockouts that can lead to disagreements over whether specific actions constitute a strike or lockout, which may have legal implications.

To address ambiguities in terminology in the ID Act, legislative or regulatory amendments may be necessary. Clarifying definitions and provisions, providing clear guidelines, and ensuring that the language used is in line with contemporary work practices can help reduce ambiguities and potential loopholes. This can help in ensuring that the rights of workers are protected and that they are treated with dignity and respect.

INEFFICIENCIES IN LABOUR COURTS AND TRIBUNALS

Delays and backlogs in labour courts and industrial tribunals can hinder the timely resolution of disputes, affecting the rights and interests of both workers and employers. The framework provided in the ID Act for resolving industrial disputes are in the nature of a summary procedure where the litigants themselves can directly approach the court but in practical scenario due to the complexity of the law, the litigants are compelled to seek the aid of legal professionals who conduct the cases more like a civil litigation by filing interim applications, seeking adjournments and so on. As an impact, the effectiveness and timeliness of dispute resolution is subsequently impaired.

The legal framework concerning labour laws can be convoluted due to various factors, such as the involvement of lawyers and the complexity of the laws themselves. To handle the complexity of labour

laws a specialised knowledge is required, which not all legal professionals possess, leading to delays as lawyers familiarise themselves with these regulations, resulting in cases lasting longer than expected. In other words, lawyers, while proficient in various aspects of law, may not always have comprehensive expertise in labour legislations. Though the intent of the labour legislation is to be a welfare legislation, the complexities pertaining to the laws involved create the demand for legal professionals to rise.

While prolonging cases impacts the judicial system, attributing pendency and backlog of cases solely on the judicial system would be escaping the reality. Rather, it's a combination of factors, including the intricate nature of labour laws and strategies employed by legal representatives, that contributes to the backlog. It's crucial for society to recognize that the backlog in labour courts is not only a reflection of the judicial system but a systemic challenge stemming from the complexity of labour laws and legal strategies employed.

Addressing this issue requires a 'multi-spiked' approach. Enhancing legal education programs to include comprehensive coverage of labour legislations can empower lawyers to handle such cases more efficiently. Additionally, implementing measures to sensitise about the up-keeping timeliness, discourage unnecessary delays and so on will aid in achieving the goals of a welfare legislation.

INEFFECTIVE SETTLEMENT MECHANISMS

Under the Industrial Disputes Act, there are various provisions provided for settlement of the disputes. This includes the Works Committee, Conciliation officer, Board of Conciliation, Court of Inquiry, Labour Court, Industrial Tribunal and the National Tribunal. One of the main purposes of these provisions is to ensure that matters which can be resolved at its origin and matters that do not require much time can be resolved at the primary levels. One of the main issues nowadays is that the conciliation boards are very mechanical in nature. The role of a conciliation is to speak with the respective parties and ensure that they come to a settlement. Only after considerable efforts from their end, when the dispute is not resolved, the case is to be transferred to the other mechanisms, ultimately the Labour Court and Tribunals. But in reality the conciliation boards are found to not put enough effort in the settlement of the dispute, rather they are more mechanical in their jobs. This results in unnecessary delay of dispute resolutions.

Another issue is that litigants do not fully realise the usage of alternative dispute mechanisms. Litigants must understand the purpose of ADR in order to use it to the fullest. Due to the lack of awareness about ADR, the litigants believe that their disputes could only be resolved in courts whereas in reality they are comparatively petty issues which could be resolved with mutual benefits per se. When this is properly followed, pendency in courts will reduce because then only issues that require court's adjudication will be passed over which will narrow down the cases and its pendency.

There are many industrial disputes that could be resolved at its root level/ primary stage. In order to ensure this proper grievance committee must be set up in industries to meet the demands of the parties and this in turn will also reduce the pendency of cases in other settlement boards because trivial demands of the parties will be addressed which will also benefit the industry in not just maintaining peace and harmony but also reduces the litigation expenses and other wastage of resources.

CONCLUSION

It is essential to acknowledge that the Industrial Disputes Act of 1947 has been both criticised and praised for its provisions. While some have raised concerns over its effectiveness and relevance in today's context, others have commended it for providing crucial labour protections and mechanisms for dispute

resolution. It is worth noting that efforts have been made to amend and modernise labour laws in India to address some of these concerns and bring about reforms in the labour sector. This brief study exhibits the true situation of our country. Being a welfare nation, our government has fundamentally provided us with all facilities for our welfare but what they fail to do is follow up on the implementation of all the legislations, schemes, programmes, and so on. This leads to a lot of wastage of time, money and other resources because the objectives fixed or intended to be achieved become ineffective due to the prevailing loopholes. People in general also contribute to the causes of failures; the authorities are not the only ones to blame. To summarise the issue faced, the legislation drafted is for the welfare of labourers for ensuring a peaceful atmosphere in the industry and between them per se but in reality the optimum usage of such provisions in the legislation is not done properly. As quoted by Dennis Prager, an American television personality;

“The welfare state inhibits the maturation of its young citizens into responsible adults”¹⁵

On that account let us remember as responsible citizens of India, that the success of any act by our government highly relies on our support, cooperation and conduct as such.

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