

## **Abstract of Workplace Dispute Resolution in India**

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### **Abstract:**

This article describes the history and features of labor law and dispute resolution in India. As excerpted from the author, the history of labor law (industrial law) in India has roots from the history of British colonialism. After independence in 1947, labor law underwent substantial modification resulting in the Industrial Disputes Act of 1947. The Act regulates the rights of employers and workers for the investigation and settlement of industrial disputes. Industrial law covers a comprehensive canvas of state intervention of social control to protect the claims of workers to wages, bonus, and benefits such as gratuity, provident fund and pension, claims, social security measures such as workmen's compensation, insurance, maternity benefits, safety welfare and protection of minimum of economic well-being.

The principal techniques of dispute settlement provided in the Industrial Relations Act are collective bargaining, mediation and conciliation, investigation, arbitration, adjudication and other purposes. Job security has been particularly protected by providing industrial adjudication of unfair discharges and dismissals and ensuring reinstatement of illegally discharged or dismissed workmen. Collective bargaining is a primary method technique by which disputes of employment are resolved amicably, peacefully and voluntarily by settlement between labour unions and management. Collective bargaining has been recognized as the bed rock of the Act.

Under the Act, an effective conciliation machinery has been provided which can take cognizance of the existing as well as apprehended dispute, either on its own or on being approached by either of the parties to the dispute. The Act further makes conciliation compulsory in majority of disputes.

Voluntary arbitration is a part of the infrastructure of resolving the Industrial Dispute in the Industrial adjudication. Section 10 of the Act provides for the provision for resolving the Industrial Dispute by way of arbitration, which leads to a final and binding award. However, in India arbitration is not a preferred way of resolving Industrial Disputes.

Adjudication means a mandatory settlement of Industrial Disputes by labour courts, Industrial Tribunals or National Tribunals under the Act. By and large, the ultimate remedy of unsettled dispute is by way of reference by the appropriate government to the adjudicatory machinery for adjudication. The adjudicatory authority resolves the industrial dispute referred to it by passing an Award, which is binding on the parties to such reference."

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