Chapter III

Policy and Practice of Methods of Industrial Conflict Resolution in India
The purpose of this chapter is to study the official policy of the government of India as announced from time to time and the legislation and national conventions on industrial conflict resolution in India. The scholar examines here the difference between the policy and practice of methods of industrial conflict resolution in India.

3.1 Introduction

Prior to Independence (during the major part of the period from 1919 to 1940) the labour policy of the government of India was a passive regulator of labour in industry. All the labour laws were enacted with a view to protect labour against industrial and economic exposition, and to maintain peace and order. A change took place during the Second World War. The state emerged as a powerful institution interfering more and more in labour relations. The Defense of India Rule 81A gave immense power to the state and more of the disputes were referred to adjudication. This principle of compulsory adjudication was retained even in the post-independence era which witnessed a spate of labour legislation with the objective of all-round amelioration of the working class. The amendments of the Factories Act and the Mines Act, the Welfare legislation, the provision of social security benefits, the Minimum Wages Act, the Employment Standing Orders Act, The Industrial Disputes Act, 1947 etc. were some of the important pieces of legislation passed by the Government of India to justify their role of a welfare State.¹

3.2 Methods of Industrial Conflict Resolution and Industrial Relations: State Policy Since Independence

Ever since Independence the declared policy of the government of India has been to encourage trade union development and the settlement of differences in industry by mutual agreement. The constitution of India, under Article 19, guarantees for all, the right to form associations or unions unless they come into clash with public interest. Such a right to form an association or union is a fundamental right, it does not, by any stretch of imagination, lead to the conclusion that the trade unions have a guaranteed right to an effective bargaining. It only secures the right to form and join trade unions subject to the law of the land.

Industrial conflicts are inevitable in an industrial society. It can never be eradicated. But it can be minimised through effective machinery and methods of industrial conflict resolution. These methods must be based on analysis of practical situations and understanding of prevailing conditions in industries.

In free India, the industrial relations legacy was given statutory recognition when the legal provisions for regulating industrial relations were embodied in the Industrial Disputes Act, enacted in 1947. This Act provided for: (i) the establishment of a permanent machinery for the settlement of disputes in the shape of certain authorities like Works Committees, Conciliation Officers, Industrial Tribunals, Labour Courts etc. and (ii) making an award of a Tribunal or any

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settlement brought by the conciliator binding on the parties and legally enforceable. This seeks the prevention and settlement of industrial disputes in all industries through conciliation, arbitration and adjudication.

But during the plan periods, there has been increasing shift in emphasis from adjudication to collective bargaining in resolving industrial disputes. In all the official announcements of the labour policy, we have just one theme which confirms that the Indian labour policy is strongly and clearly committed to the method of collective bargaining. The collective method has been consistently proclaimed to be the central method contemplated for Indian labour relations. Prior to Independence, the Indian National Congress was committed to this policy and as soon as it came into power, the same was mentioned in all the official policy statements and other documents. Since 1947 such a policy has been even more positive and forthright. The Industrial Truce Resolution of 1947 regarded it as the main pivot round which the entire framework of the labour policy was woven. The First Five Year Plan reiterates such an objective. It declared that “the endeavour of the state has all along been to encourage mutual settlement, collective bargaining and voluntary arbitration to the utmost extent, and thereby reduce to the minimum, occasions for its intervention. The workers’ right of association, organisation and collective bargaining is to be accepted without reservation as the fundamental basis of the mutual relationship …… works committees for the settlement of differences on the spot
between the workers and management is the key of the system of industrial relations as conceived in this plan".1

It also laid down that "the key to industrial peace lies ultimately in a transformed outlook on both the sides and it should be the business of leadership in the ranks of labour and employers as well as in government to strive to workout a new relationship among the parties in accord with the spirit of true democracy."2

The First Five Year Plan laid emphasis on collective bargaining and collective agreements for promotion of industrial peace. If the parties cannot use collective bargaining, conciliation and voluntary arbitration must be invoked. The plan also stated that "each employer should in consultation with the workers, lay down clearly the manner in which any worker or group of workers, individually or collectively through representatives, may approach authorities at different levels in the plant in respect of various types of grievances."3

Plan para 29 on collective bargaining required industry-wise union organisations with strength to negotiate agreements for as large an area of industry as possible. It laid down that "separate unions for establishments in the same industry in a local area are inimical to the growth of a strong and healthy trade union movement and their existence can be justified only under exceptional circumstances."4

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1 Government of India, First Five Year Plan (New Delhi: Planning Commission, 1951) P. 574.
2 Ibid, P. 575.
3 Ibid, P. 575.
Further it says that "in so far as working conditions and welfare amenities are concerned, undertakings in the public sector should set the pace and serve as models." They should be run by the persons who have sympathies with the aspirations of labour. Labour should progressively participate in many matters of the undertaking and the atmosphere should be such that the workers should be made to feel that in practice as well as in theory, they are partners in the undertaking. He is acclaimed to be the principal instrument in the fulfillment of the targets of the plan and the achievement of economic progress, generally.

It goes further to say, "peace in industry has a great significance as a force for world peace if we consider the wider implications of the question."

V.V. Giri during the term of office as Labour Minister, 1952-1954, placed the greatest emphasis on collective bargaining rather than on compulsory adjudication. With Giri's resignation, the Government policy on labour entered a new phase, but there has been no lessening of the formal commitment to collective bargaining, voluntary resolution of industrial conflicts, industrial democracy, etc. The Industrial Policy Resolution of 1956 declared that "in a socialist democracy, labour is a partner in a common task of development."

The guiding principles of the labour policy in the First Five Year Plan have continued throughout the subsequent plans. The second Plan laid down that

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“much of what has been said in regard to labour policy in the first plan holds good as a basis for the future. However, in the light of the socialist pattern of society, within which setting, the second Five Year Plan has been framed, suitable alterations in the second plan labour policy are to be made ... It is necessary in this context that the worker should be made to feel that in his own way, he is helping to build a progressive state. The creation of industrial democracy, therefore, is a pre-requisite to the establishment of a socialist society.”¹ In this field of industrial relations, collective bargaining and resolution of industrial conflict through mutual negotiation continued to be emphasised. The vital role of works committees was reiterated. This scheme was a powerful agency for labour and management co-operation, joint consultation and a great opportunity for the employees to understand their importance in the enterprise and a chance to satisfy the worker's wage for self-expression.

Para 12 of the plan refers to the conciliation machinery and para 13 refers to mutual negotiation and voluntary arbitration. The Second plan declared that "for the development of an undertaking or an industry, industrial peace is indispensable. Obviously, this can best be achieved by the parties themselves. Labour legislation and the enforcement machinery set up for its implementation can only provide a suitable framework in which employers and workers can function. The best solution to common problems, however, can be found by mutual agreement."² The second plan not only considered the creation of industrial democracy as a pre-requisite for the establishment of a socialist society but also recognised that an important step in

² Ibid., P. 572.
building up strong unions was to grant them recognition as representative unions. It also suggested that some statutory provision for securing recognition of unions should be made by states where such provision did not exist. It also suggested that in doing so (granting recognition) the importance of one union in an industry in a local area should be kept in view. It laid down that "a union for functioning effectively should exhaust the accepted procedure and the machinery for the settlement of disputes before it has recourse to direct action."\(^1\)

At this time, G.L. Nanda, the Central Labour Minister opposed further labour legislation and encouraged voluntary methods of conflict resolution. He emphasised on cordial relations between the parties through their own efforts rather than through reference to third party in the form of adjudication. He proposed that the Indian Labour Conference (1957) should draw up certain do's and don'ts for the parties to regulate their behaviour-a kind of gentleman's agreement which both parties would bind themselves to observe. This resulted in the emergence of Code of Discipline in 1958 which was ratified by all the employer's associations and trade union organisations. The code affirmed faith in industrial democracy, both management and unions binding themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration, to avoid litigation, strikes and lockouts, and to promote constructive cooperation between their representatives at all levels and as between workers themselves.\(^2\)

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2 Certain broad principles were formulated at the 15th session of the Indian Labour Conference held in July 1957 at New Delhi for adherence by both the employers and employees for promoting Industrial Peace.
The code provides that the management and the union should utilise the existing machinery for resolution of industrial disputes with utmost expedition, that the parties to dispute should not resort to strike or lockout without notice and without exploring other possible measures. Further, there should be no go-slow, coercion, intimidation, and the management should take prompt action for the settlement of grievances, implementation of awards and agreements, refrain from indulging in unfair practices and should recognise a union in accordance with the criteria appended to the Code.¹

The Third Plan made certain important observations in respect of labour policy. Increase in productivity had been greatly emphasised. This alone was the enduring basis of the strength and dynamism of the economy. The workers have been asked not to resist but to insist on the progress of rationalization in their own interest and in the larger interest of the country.² The plan emphasised on rationalisation and reiterated its faith in tripartite wage Boards.

"The Third Five Year Plan also laid stress on prevention of unrest by timely action at the appropriate stages and giving adequate attention to root causes. This involves a basic change in the attitudes and outlook of parties and the new set of readjustments in their mutual relations."³ The plan also stressed its faith in the greater popularity of "voluntary arbitration" which should gradually replace adjudication.

² Government of India, Third Five Year Plan (New Delhi : Planning Commission, 1964) P. 262.
³ Ibid, P. 250
The plan also suggested that workers participation in management should be accepted as a fundamental principle and an urgent need.

The Code of Discipline which was accepted in 1958 formed the basis of the industrial relations policy during the Third Plan. Mutual discussions and arbitration were duly stressed by the planners. The plan observes that "the Code lays down specific obligations for the management and the workers with the object of promoting constructive co-operation between their representatives at all levels avoiding stoppages as well as litigation, securing settlement of grievances by mutual negotiations, conciliation and voluntary arbitration, facilitating the growth of trade unions and eliminating all forms of coercion and violence in industrial relations."¹

The fourth Five Year Plan (1969-1974) suggested no change in the industrial relations machinery started from previous plans. It laid emphasis on enforcement of labour laws, research in labour laws and development of training programmes.

The Fifth Five Year Plan² laid emphasis on strengthening industrial relations and conciliation machinery better enforcement of labour legislation, research in labour relations and labour laws, imparting training to labour officers, improvement of labour statistics and undertaking studies in the field of wages and productivity.

¹ Ibid, Para 3 Labour Policy.
The Fifth Five Year Plan also laid great emphasis on employment. After the promulgation of emergency in June 1975, the Government of India introduced a new scheme of bipartite consultation in an attempt to create a climate of healthy industrial relations. The new scheme sought to formulate policies at the national, state and industry level for the speedy settlement of industrial disputes and for promoting industrial peace. National Apex Body was set up in July 1975 comprising representatives of employer’s association and worker’s organisations. National Industrial Committees were set up for some major industries. A scheme of workers participation in management at shop and plant level was launched by the Government of India on October 30, 1975.

Sixth Five Year Plan (1980-1985) laid emphasis on the co-operation between employers and employees for promoting industrial harmony. Relying on the industrial policy statement of the Government of India of July 1980, the plan has laid stress on the steady induction and development of professional management and industrial culture in the public sector enterprises. It has reiterated the importance of collective bargaining and tripartite consultation for acceleration of production and productivity and for improving the working condition. It has observed that the machinery as provided in the Industrial Dispute Act, 1947 and the voluntary provisions contained in the Code have not proved very effective either in preventing or in promoting resolution of industrial conflicts. Further, it emphasised or improving the quality of the life of workmen.
The Seventh Five Year Plan emphasised for the identification and eradication of inter union rivalry. Commenting on industrial relations, the Seventh Five Year Plan remarked: There is considerable scope for improvement in industrial relations which would obviate the need for strikes and the justification for lock outs. In proper management of industrial relations the responsibility of unions and employees has to be identified and inter-union rivalry and intra union division should be avoided.¹

It is a remarkable piece of consistency on the part of the framers of the sections on the labour policy under all the Five Year Plans to reaffirm their faith in collective bargaining and voluntary arbitration. But this is only one part of the story. The other part is still more interesting. It is the facts, or practice or actuality. There is a world of difference between the two.² V.D. Kennedy has characterised it as a “dual image”. One is the ideal goal or model of labour relations which India has set for herself, the other is the actuality which has little resemblance to the ideals.³

3.3 Gap Between Policy and Practice

1. Industrial Disputes Act, 1947

It is the main piece of central legislation to settle industrial disputes. Some of its Provisions are:

(i) It provides that in any industrial dispute, conciliation officers may initiate conciliation proceedings.

(ii) The appropriate government, central or state, may refer the dispute to an appropriate agency for compulsory inquiry or arbitration.

(iii) As per the provisions of this Act any workman involved in an industrial dispute can get himself represented in any proceeding by any official of any trade union connected with his industry whether or not he (the workmen) is a member of the union.

(iv) The Act emphasises the importance of works committees.

(v) The Act lays down the procedure for dispute settlement. It has two phases: conciliation and arbitration.

2. Indian Trade Union Act, 1926.

This is another important legislation that has a great impact on collective bargaining. It permits any seven employees to register themselves as a trade union.

Both these legislation - The Industrial Disputes Act, 1947 and the Indian Trade Unions Act, 1926 - between themselves have far reaching consequences for collective bargaining. They reveal the gap between the intention and the actual performance. The provisions of these two legislation imply that:
(i) The parties may sit on the fence before or after the dispute has arisen. The conciliation officer may or may not initiate the conciliation proceedings. It is at his discretion in any dispute except the one in public utility services. There is lack of the spirit of collective bargaining. Collective bargaining is a continuous process. It requires a constant watch on day-to-day problems of the enterprise. Further, it requires mutual discussions and negotiations. The existing legislation does not reflect the spirit of collective bargaining.

(ii) The main theme of collective bargaining is proper understanding between the parties. The existing legislation remains inactive until the dispute has arisen. It does not provide any preventive measures. Whereas collective bargaining plays important role in the settlement of existing disputes as well as prevention of industrial conflicts.

(iii) The legislation empowers the appropriate government, central or state to intervene compulsorily in the enquiry or arbitration of the dispute. Whereas under collective bargaining the conflicts are resolved by the parties themselves. If they fail to resolve the issues, they may take the help of conciliation or mediation agency.

(iv) It creates trouble when an outsider represents the worker in any proceedings such a provision weakens the trade union movement. On the other hand collective bargaining requires a strong and effective trade union.

(v) The Trade Unions Act, 1926 does not provide for any bargaining agent or a representative union. "A union with 1 percent of the potential membership in a
plant or industry has the same legal right as a union with 75 percent membership to approach an employer for bargaining purposes and to have a resulting dispute aired in conciliation proceedings and settled by arbitration. There is no restriction on the number of unions that may represent workers within what would normally be a single bargaining unit by American standards and there is no procedure for settling contests or determining worker preferences among such unions. Employers are under no legal obligation to bargain with unions. Article 19 of the constitution of India only guarantees the right to form an association or union but does not guarantee the right to an effective bargaining (Supreme Court ruling); the practical intent of these provisions is clear. An employer who wishes to avoid possible conciliation and arbitration proceedings should attempt to negotiate with any and all unions that approach him on behalf of his employees."

Such a legislation on trade unionism has been the cause of our ruin. It has weakened and fragmented the labour movement of the country. An establishment having 700 workers may have 100 different unions. A crafty employer can make them fight among themselves. An agreement entered into between the employer and only union may be upset by any other union which may not be interested in bringing about any understanding among the employers and the employees. Employers are able to play the game of divide and rule. This principle of coexistence may be landable in politics but is certainly very harmful and suicidal to the growth of a healthy and strong labour movement. There is lot of mud-slinging and maligning of rival

groups of unions. It is a highly demoralising influence on the trade union movement. The multiplicity of unions has ruined the industrial relations system and has been the main cause of unending fights and differences between the trade unions.\footnote{Tandon, B.K., \textit{Op. cit} P. 343.}

Where all competing unions can co-exist with equal rights in each bargaining situation and majority status gives no preferred rights of 'representation', there is little incentive to build membership and little pressure for consolidation. The consequences for collective bargaining are fatal. Indian labour relations are at a stage similar in many ways to that which existed in the United States in the nineteen-thirties, where the development of workable bargaining requires strong majority unions and the restriction of bargaining rights to one such union in each bargaining unit.\footnote{Kennedy, V.D. \textit{Op. cit} P. 490.}

All the Five Year Plans have reiterated the importance of a strong and effective trade union; they have spoken about the industry-wise union organization with strength to negotiate agreements for as large an area of industry as possible. They have reiterated again and again that "Separate unions for establishment in the same industry in a local area are inimical to the growth of a strong and healthy trade union movement and their existence can be justified only under exceptional circumstances." But the facts are different. The truth is that the exception has become the rule. There are hardly any industry-wise or region-wise unions. On the other hand, there is multiplicity of unions - a babel of tongues - not only in each industry and region but even in each unit. The government has done precious little to encourage the formation of industry-wise or region-wise trade unions, inspite of their
loud professions. The trade union federations, inspite of all the professed anxiety for unity, did nothing to minimise this rivalry. The workers continue to be the helpless prawns between the contending trade unions. "One union, one industry" has been a mere slogan: it is a cry in the wilderness. The Trade Unions Act has allowed this chaos under its very nose; in fact it encourages it because it fails to make any provision for selecting the most representative union as a bargaining agent, nor does it give any guarantee that a rival union may not raise a dispute on the very subjects already covered by a voluntary agreement, and invoke the machinery of conciliation and compulsory adjudication.1 There is no guarantee under the Act that the Industrial Courts will necessarily accept a bipartite agreement. In some cases these courts have made an award on an issue raised by another union even when an agreement has been made on the same subject by the recognised union. And with no clear procedure for identifying the most representative union, it can always be argued that the recognised union has not the support of the majority of the employees.2

The Labour Policy in the Second Five Year Plan emphasises the need to have some statutory provision for recognition of trade unions. However, much laudable this objective may be, nothing has been done to accomplish it except in Bombay under its Industrial Relations Act, 1946. This Act has gone ahead of the Central legislation on the subject by granting rights akin to exclusive representation to a qualifying union in a bargaining unit, but such a union need not have majority status.

"By introducing the principle of exclusive representation rights, the Bombay Act has

taken steps towards implementing workable bargaining, but in conferring these rights on minority unions, it continues to encourage activity by unions which are too weak for effective bargaining".1

(VI) Under the Industrial Dispute Act, 1947, all concerns employing 100 or more workers were to have works committees having equal number of workers' and management representatives, the workers representatives being chosen in consultation with the trade unions. With several unions in a unit, the selection of workers' representatives was a thorny issue. The workers always stood divided among themselves. This rivalry and disunity gave a handle to the government in interfering and nominating workers' representatives who were regarded the major instrument of internal labour-management relations and were given the broadest kind of assignment: "to promote measures for securing and preserving amity and good relations between the employers and workmen and, to that end, to confer upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters." These works Committees were visualised to be the machinery for plant level grievance procedure; disputes were to be first tackled at their level and then referred to the conciliation machinery and last of all to compulsory arbitration. This has hardly been done in any concern.2

The most important aspect of the Industrial Disputes Act, 1947, is the procedure provided for dispute settlement. The Act provides for whole-time permanent conciliation officers with more powers than enjoyed by their counterparts

2 Tandon, B.K., Op cit P.345.
in USA. "He may enter establishments involved in disputes and may call for any relevant documents." The Act directs him to investigate "all matters affecting the merits and the right settlement" of disputes and "do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement."

During the period of two weeks allowed to him under the Act, the Conciliation Officer is up and doing his best to effect a compromise or a settlement between the parties. In case he fails, he makes a report within two weeks to the government stating the reasons for which he thinks no settlement could be arrived at as well as the facts of the case. The government may refer the dispute to the Board of Conciliation, the court of Inquiry or the Tribunal, or decline to take any further action.

"Technically, no disputes are automatically referred to arbitration under the Act, but in public utility services, more genuine dispute cases are arbitrated. In other industries it is within the discretion of the appropriate government whether or not to refer a dispute to arbitration but once reference is made, it is compulsory on the parties."

The dispute settlement machinery in India does very little to promote collective bargaining which is so loudly acclaimed by the government as its a vowed policy. On the contrary, it tries to undermine collective bargaining. It supplants it rather than supplementing it.¹

These are the deplorable effects of the laws that have been put on the statute. It would be crystal clear even to a layman that there is a wide gap between what the government preaches about collective bargaining and what is does when it comes to actual practice.

¹ Tandon, B.K., Op cit P.346.
It is often alleged that the labour policy of the state presents an essay in dualism. In its policy, it has laid great stress on the virtue of voluntarism in the conduct of industrial relations. But in reality, the state has made the compulsory adjudication the kingpin of its industrial relations policy. This dualism in the state policy has harmed the development of collective bargaining.1

3.4 Gap Between Law and Practice

Industrial Disputes Act, 1947, is the only central legislation which provides different authorities for the prevention and settlement of industrial disputes. It has provided a number of provisions relating to the conciliation and adjudication machineries. The researcher tries in this portion of this chapter to analyse some of the gaps between provision of laws provided under Industrial Disputes Act, 1947 and the actual practices in India.

(1) In order to enable employers and employees to settle minor differences, at the plant level, the Act provides for the first time for the setting up of works committees in factories employing 100 or more workers. It is the duty of the works committee to promote measures for securing and preserving good relations between the employers and workmen and to that end to comment upon matters of their common interest on concern and endeavour to compare any material differences of opinion of such matters. Theoretically speaking, there is no subject concerning the relations of employers and employees which the works committee is precluded from

considering. The Act, at least in theory, has been designed to allow for a maximum negotiation and settlement before a dispute is transferred to the sphere of adjudication. All the same, it can consider all spheres of the life of the workmen in the establishment. Its functions are vague; they can be stretched to include all aspects of employer-employee relationship.

Far from increasing a spirit of mutual confidence and minimising industrial strife, it seems to have increased a distrust between the workers and their employers largely because the question as to whether a particular subject can be mooted in the works committee arouses passions. The functions of the works committees have been vary vague instead of being exhaustive and specific as in the west, where such committees advise not only on matters like health, safety, welfare, human relations but also on a number of technical matters and kept posted with the undertaking's position, trade, sale and account sheet. This gives a greater recognition and satisfaction to members and they are also enabled to formulate their opinion more objectively. In India though the scope of these committees is so wide that they can discuss anything and everything under the sun, yet, in effect, they have a very limited scope and thus have not been able to yield the best they are capable of.

The relationship of works committees with the trade unions in the undertakings has not been well defined. They are regarded as rivals by many unions. The Act also does not make any specific provision for holding election by secret ballot, or to recall a member who has lost confidence of workers.

1 Tandon, B.K., *Op cit* P.259.
(ii) Under Section 12(b) of the Act, the report of successful settlements or failure must be sent by the Conciliation Officer to the appropriate government within 14 days or shorter period from the date of the beginning of the conciliation proceedings. But the time limit is not adhered to by any party. The National Commission on labour has rightly stated that "The evidence showed that the limit of 14 days or two months is never cared to because of the excessive work load on officers and partly because of procedural defects; delay occurs often for reasons beyond the control of the Conciliation Officer. The parties initially supply scanty information and adjournments are sought to collect additional information since conciliation involves a good deal of persuasion and is a process of give and take through a third party, such adjournments become inevitable and have to be allowed."

(iii) The work of conciliation is often delegated by the state governments to the officers of the Labour Department, who are already over-burdened and, therefore, cannot do full justice in the matter. In actual practice it has been found that these officers act only as post offices and do little to conciliate ir disputes. They carry no conviction with labour and in many cases take the course of the least resistance and make a report to the government for reference of the dispute for adjudication. Unless Conciliation Officers are bold and are prepared to speak out their mind, the work of conciliation must continue to be a tame affair.

(iv) Conciliation is the one of the important method for prevention and settlement of industrial disputes through third party intervention. But in practice the parties give

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1 Reprint of the National Commission on Labour, Op cit P. 323.
2 Tandon, B.K., Op cit P.262.
less importance to this method for the settlement of industrial dispute. The
Conciliation proceedings are often treated casually by the parties to the dispute and
conciliation officers as a stepping stone to adjudication.¹ The National Commission
on Labour states that Conciliation generally has not been given any importance by the
parties because they think that it is merely a hurdle to be crossed for reaching the next
stage. The representatives sent by the parties to appear before the Conciliation
Officer are generally officers, who do not have any power to take decisions or to
make commitments they just carry suggestions to the concerned authorities. This
spirit creates a sense of unconcernness among the conciliation officers.²

(v) Though under sub-section 2A of Section 10 of the Industrial Disputes Act,
1947, as amended in 1982, time limits have been prescribed for different stages of the
proceedings but there are relaxable of the discretion of the court/Tribunal. This
discretion seems to have been more than frequently exercised for various reasons,
resulting in protracted proceedings before a Court/Tribunal.

Justice by tribunals in industrial and labour matters has, it appears become
either dilatory, expensive and time consuming like justice by the courts, or it has been
reduced to mere paper powers by the devious routes of political pressures and
unconscionable activities. There are loud complaints of chronic delays in adjudicating
industrial disputes and the employers and the labour unions accuse each other of

¹ Mishra Srijanta, *Modern Labour Laws and Industrial Relations* Deep and Deep Publications,
New Delhi. P. 157
² Reprint of the National Commission on Labour, *Op cit* P. 323.
deliberately playing the game of procrastination in industrial disputes and claims for compensation.\(^1\)

The existing machinery for the settlement of dispute is not only dilatory but it is also impaired by undue government influence.\(^2\)

The whole labour legislation in the country should be thoroughly overhauled, streamlined and simplified. The government should adopt a long range and well defined policy, rather than the pragmatic and hesitant approach followed till now.
