

ABSTRACT

Maintenance of peaceful and harmonious industrial relations is important for any economy. Industrial unrest adversely affects not only the industry but also other stakeholders. Industrial Disputes Act, 1947 provides the statutory framework for resolving industrial disputes between the management and the workers. When an industrial dispute arises the parties try to resolve it through bipartite negotiation which is called collective bargaining. Strike and lockout are two statutory instruments used by the workers and management to put pressure on the other party. If the parties fail to resolve the dispute at bipartite level either of them can seek the intervention of the conciliation officer who is a government officer. The conciliation officer tries to settle the dispute through mediation. If the conciliation officer fails to resolve the dispute, it may be sent for adjudication by the government.

This study attempts to evaluate these three statutory mechanisms viz., Strikes and Lockouts, Conciliation and Adjudication of resolving industrial disputes in the context of West Bengal. The entire post liberalisation period is covered in this study i.e., from 1991 to 2015. The data relating to strikes and lockouts, conciliation and adjudication in West Bengal for the period from 1991 to 2015 were mainly collected from the annual publication of the Labour Department of the Government of West Bengal 'Labour in West Bengal' and also from the records available in the Labour Department of the Government of West Bengal.

The study found that adjudication is the least effective mechanism for resolution of industrial disputes and conciliation is moderately effective. Conciliation is mostly

successful in monetary and other miscellaneous issues whereas failure of conciliation is more pronounced in personnel issues. External political situation and government policy affects industrial disputes and their resolution. The workers go for strike mainly over monetary issues whereas most of the lockouts are due to economic non-viability which is strictly speaking not an industrial dispute. May be that is the reason why only 19.61% of lockouts got resolved during the study period as against 57.84% of the strikes. Another important finding of the study is that a considerable percentage of awards of the adjudicating authorities do not get implemented which means that the grievance of the parties remain unresolved even after it is decided by the adjudicating forum. The study suffers from the limitations that it did not explore the factors affecting the efficacy of different mechanisms of industrial dispute resolution and the low rate of disposal of adjudicating authorities.