The role of ADRS in resolving labour disputes in India: A Study on Current trends and Challenges

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ABSTRACT:
The present paper tries to identify the growth of ADRS in India and its effect on resolving industrial disputes. ADRS aims at providing justice that not only resolves dispute but also harmonizes the relation of the parties. Machineries under Industrial disputes Act in India provides opportunity for industrial employees to resolve their disputes through ADR in the form of conciliation and voluntary arbitration before the disputes are referred to compulsory adjudication through labour court and tribunals. Although ADR is not a new concept in resolving industrial disputes, the obstacles faced in the conciliation and arbitration proceedings leads to ineffective alternative mechanisms. The recent growth of ADR in the form of Lok adalats where justice is dispensed summarily without too much emphasis on legal technicalities. It has been proved to be a very effective alternative to litigation. The govt. should take appropriate measures to establish permanent Labour Lok Adalts exclusively for the purpose of settling labour disputes effectively and to that effect necessary reformation should be made in the ID Act.

1. Introduction
ADR is not to supplant altogether the traditional legal system, but it offers an alternative form to the litigating parties. It tends to settle the disputes in a neutral and amicable fashion which can be seen as integral to the process of judicial reform signifying the access to justice approach. The paper is organized as follows: The next section will give an overview of the mechanisms of Alternative Dispute Resolution System in India, Section 3 covers the literature review of ADRS in India, various machineries under the Industrial Disputes Act and its effect on resolving labour disputes is described in Section 4. Section 5 explains the growth of ADR system in India. Section 6 will provide suggestions and recommendations for reformation of the existing law with a conclusion.

2. Mechanisms of ADR in India
The most popular forms of ADR are negotiation, mediation, conciliation and arbitration. Negotiation is a non binding process of resolving disputes, by which parties to dispute interact with one another and try to work out a settlement without the intervention of third party. Mediation is a non binding process in which a third party called “Mediator” helps the disputed parties to reach a settlement. Conciliation mechanism is also non binding on the parties. It is a process by which a third party called “Conciliator” meets disputed parties separately in order to resolve their differences. He neither gives verdict nor makes any award. Arbitration is one of the cardinal mechanisms in alternate dispute machinery. Whereby the dispute is submitted to one or more arbitrators, who are duly appointed by both the parties. They give their verdict in the form of “Arbitral Award”, which is legally binding on disputed parties. Arbitration is very common in business transactions, but unknown to many that it is the oldest method of resolving disputes, which had been enshrined since ancient history.

3. Literature review of ADR in India
A wide range of dispute prevention and resolution procedures exist in India that allow the participants to develop a fair, cost-effective, and private forum to resolve disputes. It is now widely acknowledged that ‘Justice delayed is Justice denied’. It is of common knowledge that existing justice system is not able to cope up with the ever-increasing burden of civil and criminal litigation. There is growing awareness that in the bulk of cases court action is not an appropriate recourse for seeking justice. We have no other choice but to immediately device effective Alternative Dispute Resolution Mechanisms
to ease the present burden of judicial functioning. The primary object of Alternative Dispute Resolution Mechanism is to provide cheap, simple, quick and effective remedy. The Arbitration and Conciliation Act, 1996 laid down the minimum standards, which are required for an effective Alternative Dispute Resolution Mechanism. Further, the recent amendments of the Code of Civil Procedure, 1908 will give a boost to ADR. Sec. 89 (1) of CPC now deals with the settlement of disputes outside the court. All these efforts are aimed at securing the valuable right to speedy trial, as guaranteed under Art.21 of the Constitution of India, to the litigants. The backlog of cases is increasing day by day but criticising judiciary for the same is a wrong practice. It must be noted that the backlog is a product of “inadequate judge population ratio” and the lack of basic infrastructure. The government is not very keen in increasing and improving either. It has, however, been wise enough to amend the existing provisions of C.P.C, 1908 to take care of the requirements of ADR in India. The concept of employing ADR has undergone a rapid change with the insertion of S.89 of CPC by amendment in 2002. As regards the actual content, s.89 of CPC lays down that where it appears to the court that there exists element of settlement, which may be acceptable to the parties, the Court shall formulate the terms of the settlement, which may be acceptable to the parties, the Court shall formulate the terms of the settlement and give them to the parties for their comments. On receiving the response from the parties, the Court may formulate the possible settlement and refer it to either:- Arbitration, Conciliation; Judicial Settlement including settlement through Lok Adalats; or Mediation. As per sub-section (2) of Section 89, when a dispute is referred to arbitration and conciliation, the provisions of Arbitration and Conciliation Act will apply. When the Court refers the dispute of Lok Adalats for settlement by an institution or person, the Legal Services Authorities, Act, 1987 alone shall apply.

These ADR developments in the respective States depended largely on the inclination of their respective High Court’s Chief Justice towards ADR. This not only led to uneven introduction of ADR services in the different States but also led to the implementation of the ADR system gaining and losing momentum with the change of guard in each High Court, which on an average one can expect to happen every other year. Now, after the second Order of the Supreme Court in the Salem Bar’s case, it is to be presumed that all High Courts shall be implementing the ADR system by adopting the aforesaid Model Rules in such form as they choose. They will be providing mediator’s training to the legal fraternity and such others as they choose, and setting up Panels of trained mediators and providing the list to the Judges, lawyers and parties for consideration whilst appointing mediators. On successful completion of the mediation process, they will take the mediated agreements on record and dispose of the cases on the basis thereof.

In the judgment of the Supreme Court of India in Salem Bar Association vs. Union of India (2005), the Supreme Court has requested prepare model rules for ADR and also draft rules of mediation under section 89(2) (d) of Code of Civil Procedure, 1908.

The rule is framed as “Alternative Dispute Resolution and Mediation Rules, 2003”. Rule 4 lays down that the Court has to give guidance to parties (when parties are opting for any mode of ADR) by drawing their attention to the relevant factors which parties will have to take into account, before they exercise their opinion as to the particular mode of settlement, namely; (i) it will be to the advantage of the parties, so far as time and expense are concerned, to opt for one of these modes of settlement rather than seek a trial on the disputes arising in the suit; (ii) where there is no relation between the parties which requires to be preserved, it will be in the interests of the parties to seek reference of the matter to conciliation or mediation, as envisaged in clauses (b) or (d) of sub-section (1) of sec.89.

In Punjab & Sind Bank v. Allahabad Bank, 2006 [3] it was held that the direction of the Supreme Court in ONGC III [(2004) 6 SCC 437], to the govt. to set up committee to monitor disputes between government departments and public sector undertakings make it clear that the machinery contemplated
is only to ensure that no litigation comes to court without the parties having had an opportunity of conciliation before an in-house committee. Thus, ADR has been recognised and approved as a “legislative and judicial method” of managing the backlog of cases. The Arbitration and Conciliation Act, 1996 is an attempt by Parliament to take a holistic approach to alternative dispute resolution in India. In the past, domestic and international arbitrations were dealt with separately under different legislations; the Arbitration Act, 1940 dealt only with domestic arbitrations. Foreign arbitral awards were further classified on the basis of the New York and Geneva Conventions and governed by the Foreign Awards (Recognition and Enforcement) Act, 1961 and the Arbitration (Protocol and Convention) Act, 1937 respectively. The Act is cast in terms of the UNCITRAL Model Law on International Commercial Arbitration and seeks to break away from the regulated and supervised forms of ADR as have been in existence in India. The need to provide flexibility to the parties in a legal relationship to decide for themselves the mode of settlement of their differences has finally been recognized. While the major changes have been in the area of arbitration, it is noteworthy that conciliation has received recognition. The Act seems to have been a reaction to the response of the judiciary to ADR in the past.

There are several provisions that clearly seek to settle certain issues that have been the subject of great contention before the Supreme Court of India. The salient provisions of this Act in the matter of arbitration are:

1. Limited judicial intervention.
2. Duty of the court where a suit is filed, upon application in this behalf, to refer the parties to arbitration in accordance with the arbitration agreement between the parties.
3. Power of the arbitrators to award interest from the date of the cause of action till the date of the satisfaction of the award.
4. Empowering the arbitrators to order interim measures for the protection of the subject matter or to ensure satisfaction of the award.
5. Empowering the arbitrators to decide on their jurisdiction.
6. Equating the arbitral award to a decree of a court.
7. Limiting the number of statutory appeals from the award to one.

Shri M.C. Setalvad, former Attorney General of India has observed: “...equality is the basis of all modern systems of jurisprudence and administration of justice... in so far as a person is unable to obtain access to a court of law for having his wrongs redressed or for defending himself against a criminal charge, justice becomes unequal ...Unless some provision is made for assisting the poor men for the payment of Court fees and lawyer’s fees and other incidental costs of litigation, he is denied equality in the opportunity to seek justice.”

4. Global perspective:
The development and usage of ADR has proliferated throughout the world, particularly in developed countries such as United States, Canada, Australia, New Zealand and United Kingdom. International Organisations have also established internal dispute resolutions mechanisms in their constitutions and operations. Driven by these international movements, Asian countries have started to take notice and have been actively promoting ADR in their legal systems. In the UK, each application by an individual worker to an Employment Tribunal is referred to a conciliation officer at the Advisory, Conciliation and Arbitration Service (ACAS). Proportionally, the largest volume of cases (42%) concern unfair dismissal. Unusually, and indeed perhaps uniquely, the conciliator will only rarely hold a hearing in an effort to resolve the matter. Instead, they usually prefer to deal remotely with the employer (or a legal representative) and the worker (or the worker’s representative such as a trade union officer or lawyer) by phone or email. Generally, the conciliator seeks agreement on compensation rather than reinstatement, given that most applicants have left their employment before applying to an Employment Tribunal. In countries like Australia and New Zealand, majority labour disputes were resolved through mediation. It is of great success in New Zealand that mediation machinery is incorporated as a provision into the employment legislation. The New Zealand Employment Relations Act 2000 provides that the Employment Relations Authority must “...consider whether an attempt has
been made to resolve the matter by the use of mediation; and must direct that mediation... be used before the Authority investigates the matter”. In Australia, the success rate of conciliation is even higher, at 80-90% but the parties are obliged to attempt to settle the matter via conciliation.

5. Machineries under IDA and its effect on resolving labour disputes


(i) Works Committee

The institutions of work committee were introduced in 1947 under the Industrial Dispute Act, 1947 (IDA), to promote measures for securing good relations between employers and workmen. It is concerned with problems arising in day-to-day working of the establishment and to ascertain grievances of the workmen. The determinative decision of works committee is neither agreement nor compromise nor arbitration. Further, it is neither binding on the parties nor enforceable under the Act.

(ii) Conciliation officers

The appropriate government is empowered under Industrial Disputes Act, 1947 to appoint any number of conciliation officers, for mediating in and promoting the settlement of industrial disputes. A conciliation officer is appointed for a specified area; or for specified industries in a specified area; or for one or more specified industries; either permanently; or for a limited period.

(iii) Board of Conciliation

This is a higher forum which is constituted for a specific dispute. It is not a permanent institution like the Conciliation Officer. The Government may, as occasion arises, constitute a Board of Conciliation for settlement of an industrial dispute with an independent chairman and equal representatives of the parties concerned as its members. The chairman, who is appointed by the Government, is to be a person unconnected with the dispute or with any industry directly affected by such dispute. Other members are to be appointed on the recommendations of the parties concerned, and if any party fails to make recommendations, the Government shall appoint such persons as it thinks fit to represent that party. The Board cannot admit a dispute in conciliation on its own. It can act only when reference is made to it by the Government.

(iv) Court of Inquiry

Under the Industrial Disputes Act, 1947, Court of Inquiry may be constituted by the appropriate Government for inquiring about matter appearing to be connected with or relevant to an Industrial Dispute. The court may consist of one or more independent persons. It has to submit its report within six months on the matter referred to Units.

(v) Voluntary Arbitration

When Conciliation Officer or Board of Conciliation fails to resolve conflict/dispute, parties may voluntary arbitration for settling their dispute. For settlement of differences or conflicts between two parties, arbitration is an age old practice in India. Section 10-A of the Industrial Disputes Act, 1947 provides for the settlement of industrial disputes by voluntary reference of dispute to arbitrators and to achieve this purpose, this section makes following provisions: Where any industrial dispute exists or in apprehended and the same has not yet been referred for adjudication to Labour court, Tribunal or National Tribunal, the employer and the workmen may refer the dispute, by a written agreement, for the arbitration of specified arbitration or arbitrators. The presiding officer of a Labour Court of Tribunal or National Tribunal can also be named by the parties as arbitrator. Where an arbitration agreement provides for a reference of the dispute to an even number of arbitrators, the agreement shall provide for the appointment of another person as umpire who shall enter upon the reference, if the arbitrators are equally divided in their opinion, and the award of the umpire shall prevail and shall be deemed to be the arbitration award for the purpose of this Act.

The Government of India has also been emphasizing the importance of voluntary arbitration for settlement of disputes in the labour policy chapter in the first three plan documents, and has also been advocating this step as an essential feature of collective bargaining. This was also incorporated in the
Code of Discipline in Industry adopted at the 15th Indian Labour Conference in 1958. Parties were enjoined to adopt voluntary arbitration without any reservation. The position was reviewed in 1962 at the session of the Indian Labour Conference where it was agreed that this step would be the normal method after conciliation effort fails, except when the employer feels that for some reason he would prefer adjudication. In 1956 the Government decided to place voluntary arbitration as one of the measures for settlement of a dispute through third party intervention under the law. Sec. 10A was added to the Industrial Disputes Act, and it was enforced from 10th March, 1957.

(vi) Adjudication
Unlike conciliation and voluntary arbitration, adjudication is compulsory method of resolving conflict. The Industrial Disputes Act, 1947 provides the machinery for adjudication, namely, Labour Courts, Industrial Tribunals and National Tribunals.

(vii) Grievance Settlement Authorities
Under Section 9C of Industrial Disputes Act, 1947 (which has not yet been enforced) it has been provided that an employer in an industrial establishment with 50 or more employees should provide for a grievance settlement authority for the settlement of industrial disputes with individual employees. These bodies are made up of representatives of workers and employers. No reference can be made under the Act to Boards of Conciliation, Labour courts or Industrial tribunals, unless the dispute has first been the subject of a decision of a grievance settlement authority.

(viii) Central Industrial Relations Machinery (CIRM)
In pursuance of the recommendation of the Royal Commission on Labour in India for prevention and settlement of industrial disputes, enforcement of labour laws and to promote welfare of workers in the undertakings of the Central Government the Organization of the Chief Labour Commissioner known as Central Industrial Relations Machinery (CIRM) was set up in April, 1945. The CIRM is headed by the Chief Labour Commissioner. The machinery has a complement of 253 officers and their establishments are spread over in different parts of the country with zonal, regional and unit level formations. The quasi-judicial functions of CIRM broadly consist of (i) promotion of peaceful and harmonious industrial relations through investigation, prevention and settlement of industrial disputes in the industries for which the Central Government is the appropriate Government under the Industrial Disputes Act, (ii) enforcement of Awards and settlements in the Central Sphere. The Officers of the CIRM also persuade the parties to accept voluntary arbitration for settlement of disputes, which are not otherwise settled. As a result, few disputes are settled by the parties through voluntary arbitration offered by the officers of the CIRM, either under the Code of Discipline or under Section 10-A of the Industrial Disputes Act. Quite apart from the aforesaid statutory mechanisms there are following non-statutory mechanisms for preventing and settling industrial disputes: (i) Code of Discipline, (ii) Joint Management Council, (iii) Tripartite Machinery and (iv) Joint Consultative Machinery.

The CIRM ensures harmonious industrial relations in the Central Sphere establishments through:

a) Monitoring of industrial relations in the Central Sphere.

b) Intervention, mediation and conciliation in industrial disputes in order to bring about settlement of disputes.

c) Intervention in situations of threatened strikes and lockouts with a view to avert the strikes and lockouts.

d) Implementation of settlements and awards.

e) Enforcement of other provisions in the Industrial Disputes Act, 1947 relating to: (1) Works Committee, (2) Recovery of Dues, (3) Lay off, (4) Retrenchment, (5) Unfair Labour Practices, etc.

The Industrial Disputes handled by the machinery during the year 2008-2009 are given as under:

-Details of ID’s handled by CIRM:
6. Growth of ADR in India – Special reference to Lok Adalats

ADR has been an integral part of our historical past. Like the zero, the concept of Lok Adalat (literally mean Peoples’ Court) is an innovative Indian contribution to the world jurisprudence. The institution of Lok Adalat in India, as the very name suggests, means, People’s Court. “Lok” stands for “people” and the vernacular meaning of the term “Adalat” is the Court. India has a long tradition and history of such methods being practised in the society at grass roots level. These are called panchayat and in the legal terminology, these are called arbitration. These are widely used in India for resolution of disputes—both commercial and non-commercial. Other alternative methods being used are Lok Adalat (People’s Court), where justice is dispensed summarily without too much emphasis on legal technicalities. It has been proved to be a very effective alternative to litigation. Lok Adalat is one of the fine and familiar forums which has been playing an important role in settlement of disputes.

Lok Adalats have been given statutory recognition. The Legal Services Authorities Act, 1987, pursuant to the constitutional mandate in Article 39-A of the Constitution of India, contains various provisions for settlement of disputes through Lok Adalat. Thus, the ancient concept of Lok Adalat has, now, statutory basis. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. In 2002, Parliament of India amended the Legal Services Authorities Act, 1987 requiring establishment of permanent Lok Adalats for public utility services.

Some of the relevant sections from the Legal Services Authority Act, 1987 are:

Section 19
1. Central, State, District and Taluk Legal Services Authority has been created who are responsible for organizing Lok Adalats. 2. Conciliators for Lok Adalat comprise the following:
   A. A sitting or retired judicial officer.
   B. other persons of repute as may be prescribed by the State Government in consultation with the Chief Justice of High Court.

Section 20: Reference of Cases
Cases can be referred for consideration of Lok Adalat as under:
1. By consent of both the parties to the disputes.
2. One of the parties makes an application for reference.
3. Where the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat.
4. Compromise settlement shall be guided by the principles of justice, equity, fair play and other legal principles.
5. Where no compromise has been arrived at through conciliation, the matter shall be returned to the concerned Court for disposal in accordance with Law.

Section 21
The awards passed by the Lok Adalat are deemed to the decree of the Civil Court or to the Order and are binding on all the parties to the disputes. No appeal lies against an Award. All categories of cases can be settled through Lok Adalat except criminal cases. The Indian Parliament drastically amended the Code of Civil Procedure, 1908 (CPC) which gave the Courts the power to refer matters to one of
the ADR tracks listed therein: Arbitration, Conciliation, Judicial Settlement, Lok Adalat and Mediation.

A Lok Adalat usually comprises of 3 eminent personalities; like retired judges and senior members of the Bar, Administration or society generally, who are appointed for a particular term. They attempt conciliation and Judicial Settlement for dealing with disputes referred to them. Section 89, coupled with Order X Rules 1A, 1B, 1C of the CPC and allied laws, affords the judiciary the opportunity to offer the parties an array of avenues to resolve their issues in a timely and amicable manner and, in the process, reduce its backlog. Whereas there already exist some provisions for conduct of Arbitration, Conciliation and Lok Adalat in different Statutes, the need for a framework to regulate the ADR tracks as a whole and Mediation in particular has been sought to be fulfilled by the Supreme Court. It has done so by providing the final version of the Model Rules of ADR and the Model Rules of Mediation, both framed by the Law Commission of India, in its Orders passed in the case of Salem Bar Association versus Union of India with a direction that all High Courts should adopt these with such modifications as they may consider necessary.

Labour Lok Adalat has been recognized as a mechanism for quick resolution of dispute with no expenditure of the parties. This system dispenses justice on the basis of discussions, counselling, persuasions and compromises. Lok Adalats helped resolving casespending for a long time. In Central sphere several labour Lok Adalats have been organized. It has been observed that many long pending cases which can be settled by awarding compensation are settled in Lok Adalat. It may be mentioned that conciliation is the most extensively used machinery for prevention and settlement of industrial disputes. Conciliation is the process of peacemaking by application of the art of gentle persuasion. It aims at helping disputant parties to reduce their differences with a view to arriving at a settlement with the help of a neutral third party whose services are sought for assuring orderly discussions. The settlement of disputes in Lok Adalat quickly has acquired good popularity among the public and this has really given rise to a new force to alternate dispute resolution and this will no doubt reduce the pendency in law Courts. This should be extended to resolving industrial disputes.

Recently, the Delhi Legal Services Authority (DLSA) has enlisted 200 judges to work on a Sunday to resolve over 30,000 civil and criminal compoundable cases in a “Mega Lok Adalat” in a bid to reduce the increasing backlog of cases. The event was organised in coordination with the Delhi High Court legal services committee and involved members of the judiciary from all the other district courts as well as the high court including the Chief Justice. Aimed to adjudicate more amicably and informally, this Mega Lok Adalat was organised different from the previous ones as it had targeted a variety of compoundable disputes rather than focussing on a particular type of offence. “All kinds of civil cases and criminal compoundable cases such as recovery suits, injunction suits, rent matters, maintenance matters, electricity, cheque bounce cases, MACT cases, accident cases, minor hurt cases, minor theft cases, labour disputes, traffic challans were disposed of during the mega lok adalat.

The Govt. has come out with the National Litigation Policy - 2010, which aims at “transforming the government into an efficient and responsible litigant”. The aim is to save valuable court time and help in reducing the average pendency time from 15 years to three years. The amendment of the Arbitration and Conciliation Act would remove the distractions and make the legislation more vibrant. The former Cabinet Ministry also added that as part of judicial reforms, the central government was planning to set up e-courts in the country. Within a year, there would be one e-court each in the high courts and at the district level all over the country. Year-wise cases settled in Lok Adalats organized by the CGIT-cum-Labour Courts are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Lok Adalats held</th>
<th>No. of cases settled</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>14</td>
<td>87</td>
</tr>
<tr>
<td>2008-09</td>
<td>39</td>
<td>217</td>
</tr>
<tr>
<td>2009-10</td>
<td>37</td>
<td>265</td>
</tr>
<tr>
<td>2010-11</td>
<td>27</td>
<td>59</td>
</tr>
<tr>
<td>2011-12</td>
<td>42</td>
<td>41</td>
</tr>
</tbody>
</table>
7. Suggestions and Conclusion

Lok Adalats try to solve simple differences, which otherwise are likely to have for reaching consequences, through mutual understanding and compromise. Justice Warren Burger, the former CJI of American Supreme Court had observed: “People with legal problems like people with pain, want relief and they want it as quickly and inexpensively as possible”.

The recent enactment of new sec. 89 in the Code of Civil Procedure, 1908 by requiring every civil suit to mandatorily go through the ADR process, however, giving the parties the option to choose one or other of the processes – like arbitration, mediation, conciliation and settlement through Lok Adalats. These provisions came into force from 1.7.2002. The Supreme Court had occasion to deal with the utility of ADR in Salem Advocate Bar Assn. v. Union of India, 2002 (8) SCALE 146. Speaking for the Bench, after referring to sec. 89 of the Code of Civil Procedure, Kirpal CJ observed as follows: “It is quite obvious that the reason why sec. 89 has been inserted is to try and see that all the cases which are filed in court need not necessarily be decided by the court itself. Keeping in mind, the laws delays and the limited number of Judges which are available, it has now become imperative that resort should be had to Alternative Dispute Resolution Mechanism with a view to bring an end litigation between the parties at an early date. The Alternative Dispute Resolution (ADR) Mechanism as contemplated by sec. 89 is arbitration or conciliation or judicial settlement including settlement through Lok Adalat or mediation.”

It is important to distinguish that ADR is not suitable for every situation. ADR should instead be “Appropriate Dispute Resolution” and suitably applied depending on facts and circumstances of the case. For instance, in cases of medical negligence it may not be a great idea but to negotiate terms of employment or labour grievance ADR could be more efficacious than conventional adjudication. This dispute resolution system should be strengthened with respect to resolving labour disputes. At present lok adalats are conducted by the States in India at the state level and district level effectively settling various disputes concerning motor accident cases, family related cases etc.. But labour lok adalats were organised very less and in very few states. Majority labour cases were pending before the labour court and tribunals.

The Govt. should take appropriate steps to establish Permanent Labour Lok adalat at the district, state and national level for resolving all sorts of labour disputes exclusively. Alternate dispute resolution in the form of Labour Lok adalat will really achieve the goal of rendering social justice to the parties to the dispute, which is really the goal of the successful judicial system. Creation of awareness and popularising the method of labour lok adalat should be done at the first place. There is an urgent need to amend the Industrial Disputes Act, 1947 incorporating a legal provision with respect to Labour Lok adalat as a primary machinery to resolve industrial disputes.

References:

2. Dispute resolution process in India, Govt. of India, Ministry of Labour, Office of Chief Labour Commissioner, New Delhi.
5. IDA, 1947, Section 3.
6. Id., Section 3(2).
7. IDA, 1947, Section 4(1).
8. Id., Section 4(2).
9. Id., Section 5.
10. Id., Section 6.
11. Id., Second Schedule.
12. Id., Section 9C.