

## SOME PROBLEMS OF HUMAN RESOURCES MANAGEMENT, INDUSTRIAL RELATIONS, CONFLICTS AND LEGAL CONSIDERATIONS-AN OVERVIEW

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**ABSTRACT:** In this paper various aspects of human resource management, industrial relations and relevant legal provisions concerning the settlement of industrial disputes and possible improvements have been presented and discussed. These issues are important in the matters of industrial man management relations, discipline and other related conflicts that may arise in such establishments, such as labour handling of labour welfare problems, maintenance of discipline among the workmen and for achieving better efficiency and production in the industries. The views expressed in this paper will be quite useful in dealing with and solving the problems that are crucial for the human resources development, for better management and also for maintaining peaceful and productive environment in any industrial establishment.

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### 1. INTRODUCTION

Industrial way of life in our country has brought in a vast amount of concerns and issues which have led to a growth of very complex and intricate problems for the Managers for finding proper solutions. As a result a set of relationship in a totally different work context have been established. Hence a new industrial culture has to thought of and taken into account. It may be said that human resources management has been an area along with a variety of other functions in terms of reporting facts and figures regarding manpower employed to the concerned accounts department for their monthly payrolls and furnishing some other data and also for handling disciplinary proceedings under different clauses of industrial relations legislation. It has been observed that industrial relations function was not given due importance it deserved such as in terms of manpower management and other related functions. It is quite right to state that the labour commissioner and Industrial Court have played an important role in finding rational and adequate solutions and for maintaining industrial piece in various types of industrial organizations in spite of several limitations and problems. It is a fact that now-a-days a greater degree of impersonalisation has set in and in the changed role relationships, in the organizational context, such benefits are seen in the context of work role and nothing more. In such a situation the personalized expectations of management have to be reoriented to the extent that a greater degree of institutionalization is necessary in several labour related matter such as formulation of rules and procedures which may govern one and all equally, rationally and fairly. In present days the

social fabric is in the throes of transition from one set of relationship that was a part of old order to a new set of relationship which is dictated by nascent industrial culture.

Having embarked upon a path of rapid industrialization to take up the country out of poverty into an era of progress, prosperity and improvement. India has had to achieve and reach levels which have already been achieved by the developed nations of the world. Our government has enacted a variety of labour laws to set base of minimum wages standards, job enrichment schemes, career planning and development schemes and has also framed the rules and regulations for the safety and protection of workers. These laws not only covered rights and privileges but also guaranteed certain levels of income and conditions of working environment. Indian Government has also set up machinery, such as labour commmissioner's office to resolve industrial conflict and has also set up labour courts & industrial tribunals as distinct labour judiciary at a lower level of judicial ladder. In our country efforts were made to remove some of the appealing conditions as they were completely out of tune with the changed times, combined with the Indian Government's own Socialistic policies, manifested in its concern for the welfare and well being of the workers.

In any industry or manufacturing company or corporate body main concern of the management is to keep the production line going without work stoppage and supply of the adequate and suitable manpower. The industrial relations strategy in such cases is a fire fighting approach; if a problem crops up, diffuse it and come to an immediate solutions so that the wheels of production do not grind to a halt. The most important issue is career planning and employees development in regard to the organisation's growth. In every organization working with large scale

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workmen, the problem of political involvement is also there and this is reality that has to be faced and lived within a parliamentary democracy, where political parties do try to get a following in the labour section of the community. The grievance machinery and disciplines are characterized by many observers of industrial relation and the twin pillars of industrial relations. Both these needed not merely as communication channels but to further organizational goals and achievements. Discipline is very much a managerial function which is very important to maintain in any organization more so in an industry dealing with production projects with given time schedules. In our nation industrial relations is a very complex, intricate and diverse phenomenon which is required to be handled with utmost care and caution by the competent managerial authorities. This research is a study which deals with some of the problems faced in any industrial environment and the possible solutions in the frame work of legal rules and procedures and in light of cases decided by the legal forums.

## 2. INDUSTRIAL RELATIONS

The term industrial relations means relationship between employers and employees in industry. Industrial relations is also described as relationship between management and employees or among employees and their organizations that characterize or grow out of employment. The International Institute of Labour Studies has defined it as social relations in production. Now-a-days this term represents for such a wide variety of practices and institutions and has been used in divergent context, that to define just the essence of it, is an extremely complex and complicated task. Considering all the elements such as employer and employee relationship, trade union activities, involvement of the state to regulate and control the relations in industries, the term industrial relations can be taken to stand for employee(s), unions(s), employer(s)- government relationships in employment. In the beginning of the modern industrial society, the economic system consisted of a large number of small competitive business and industrial establishments each employing a small number of workers. The relationship between the employer and his employees was informal, personal and intimate. But with the growth of giant-sized companies and business corporations, each employing in many cases a thousand of workers, the relationship between the employer and his employees is no longer intimate and informal. Such factor as intervention of the state, the growth of trade unions and their federations, employer's associations, the growth science of personal management, the industrial psychology and industrial sociology have all tended to influence the spirit and the course of relationship between the employer and employees. The maintenance of industrial peace and the smooth functioning of industrial relations are the basic requirements of the public welfare. It is very important fact that the problems of industrial relations such as strikes and lock-outs, industrial

disciplines, hiring and firing, promotions and transfers, payment of wages, bonus and other fringe benefits have become essentially acute and demand understanding and rational and constructive solutions. This proposed research work has been aimed at to deal with and analyze above mentioned problems by applying the recent pronouncement of legal forms for the first time.

## 3. LABOUR LEGISLATIONS AND RELEVANT LAWS

With the growth of democratic ideas and principles, socialist and collective ideas, advent of welfare state, rise of trade unions, repressive labour laws came to be repeated sooner or later and we hardly get their examples in the modern industrial societies. In almost all the countries of the world, labour laws increasingly became progressive in character and have been enacted with certain objectives and on the consideration of certain principles which are generally reflected in the objects and reasons of relevant bills and acts.

Labour legislations is an important area which has been instrumental in shaping the course of industrial relations in our country. Establishment of social justice has been the principle which has guided the origin and development of labour legislation in India. A number of protective, social security and welfare laws in operation in our country. These laws cover a wide range of subjects of direct interest to the industrial workers, such as hours of work, physical working condition, wages, social security benefits, protection of service, personnel matters, welfare amenities, and holidays etc. The setting of international labour organisation gave an impetus to the consideration of welfare and working conditions of the worker all over the world and also led to the growth of labour laws in all parts of the world including our country. The main objectives of labour legislation and labour laws are;

- (i) To protect workers from exploitation,
- (ii) Strengthening industrial relations,
- (iii) Provide machinery for settling industrial disputes and welfare of workers.

## 4. CONSTITUTION OF INDIA

The Indian Constitution contains important provisions which have a direct bearing on the course of social and labour legislation in India. These are mainly incorporated in Fundamental Rights and Directive Principles of State policy. The Fundamental rights are justifiable. The Directive Principles, though not justifiable are fundamental in governance of the country and it is the duty of the state to apply these principles in making laws. These principles lay down that the state should strive to promote welfare of the people by securing and promoting effectively a social order in which social, economic and political, shall inform all

institutions of the national life. Actually speaking all laws in India emanate from the Constitution of India. After independence, several laws concerning social security and regulations of labour employment have been enacted, such as ESI act, 1948, PF & Misc. permissions Act, 1952, payment of gratuity act, 1972, Equal remuneration Act, 1976, etc.

### 5. INDUSTRIAL DISPUTES ACT, 1947

The industrial dispute is termed as any dispute or conflict or difference between employers and employees or between employers and workmen or between workmen and workman which is connected with the employment or the terms of employment or with the conditions of labour of any person. Where any employer discharges, dismisses, retrenches or otherwise terminates the services of individual workman, any dispute or difference between that workman and his employer connected with or arising out of, such discharge, dismissal, retrenchment or termination is deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. The following are the some of the important matter that may arise the industrial disputes acts; strike, lock-out, lay-off, retrenchment, dismissal of workman, etc.

The authorities for prevention or settlement of disputes under the ID Act includes: (1) Grievance settlement authority, (2) Works Committee, (3) Conciliation Officer, (4) Board of Conciliation, (5) Court of Inquiry, (6) Labour Court, (7) Tribunal, (8) National Tribunal, (9) Arbitrator,. The Labour Court, Tribunal and National Tribunals are the authorities for adjudication of industrial disputes, whereas conciliation Officer and Board of Conciliation are conciliation authorities. The cases of voluntary arbitration are referred to Arbitrator, Grievance Settlement Authority is intended to deal mainly with industrial disputes. The work committee is a machinery for the prevention of industrial disputes. The views expressed in this paper will be quite useful in dealing with and solving the problems that are crucial for the human resources development, for better management and also for maintaining peaceful and productive environment in any industrial establishment.

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