

INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES  
[ISSN 2581-5369]

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Volume 9 | Issue 5

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2026

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# Delays in Industrial Dispute Resolution: Causes and Remedies

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## ABSTRACT

*Industrial disputes are an inevitable feature of the employer–employee relationship, and their timely settlement has a direct bearing on industrial peace, productivity and national economic development. India has, over the decades, put in place statutory dispute-resolution mechanisms (conciliation, adjudication before Labour Courts and Industrial Tribunals and, more recently, the consolidated framework of the Industrial Relations Code, 2020), yet a substantial volume of disputes continues to languish for years. Delayed resolution imposes real costs: workers face prolonged financial hardship, employers operate under continuing uncertainty, business operations are disrupted, and public confidence in the labour justice system is gradually eroded. This paper examines why industrial disputes in India take so long to resolve. It studies procedural bottlenecks, the shortage of Labour Courts and Presiding Officers, the tendency of parties to seek repeated adjournments, weak infrastructure, poor implementation of awards once passed, and the limited use of technology in case management. It also assesses how effectively the Industrial Relations Code, 2020 addresses these concerns, and the part played by conciliation officers, Grievance Redressal Committees and adjudicatory tribunals in resolving disputes. Judicial decisions are examined to understand how courts have approached the question of delay and the value they place on timely justice in labour matters. Building on this analysis, the paper suggests practical reform measures: fixed statutory timelines for disposal of references, a stronger and better-resourced conciliation and mediation stage, additional Labour Courts and Tribunal benches, e-filing and virtual hearings, and closer coordination among the various labour authorities. The paper concludes that these reforms, if implemented in earnest, can meaningfully cut down delay, strengthen industrial harmony, protect the interests of both employers and employees, and restore confidence in the labour justice system. A dispute-resolution mechanism that works quickly is not a convenience; it is a precondition for fairness and for sustainable industrial relations.*

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**Keywords:** *Industrial Disputes, Labour Law, Industrial Relations Code 2020, Labour Courts, Industrial Tribunal, Conciliation, Delay in Justice, Industrial Harmony*

## I. INTRODUCTION

This research paper is an outcome of the Problem and Project-Based Learning (P2BL) pedagogy, in which the research problem was analysed, loopholes were identified and solutions were developed through a structured, problem-solving and project-oriented learning process.

### A. Background of the study

Industrial relations in India rest on the premise that disputes between employers and workmen are best settled through structured, government-backed machinery rather than through unregulated confrontation. The Industrial Disputes Act, 1947 was enacted to provide precisely such machinery, and for more than seven decades it governed conciliation, adjudication and the enforcement of awards. The judiciary read the scope of the Act broadly: in *Bangalore Water Supply and Sewerage Board v. A. Rajappa*,<sup>1</sup> a seven-judge Bench of the Supreme Court laid down the well-known “triple test” to determine whether an activity constitutes an “industry”, extending the protective umbrella of the Act to a wide range of establishments.

With economic liberalisation and the changing nature of employment, Parliament undertook a consolidation of labour legislation, culminating in four Labour Codes. Of these, the Industrial Relations Code, 2020, brought into force on 21 November 2025, replaces the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946. The Code restructures the adjudicatory framework itself: it makes no provision for Labour Courts or Courts of Inquiry, and a two-member Industrial Tribunal, comprising a Judicial Member and an Administrative Member, is now the principal forum for adjudication, although the forums constituted under the repealed Act continue to function until the Code’s Tribunals become operational.<sup>2</sup> Despite this restructuring, the underlying problem that motivated reform, chronic delay in the settlement of disputes, remains only partially addressed, since institutional capacity, procedural habits and infrastructural constraints do not change merely because a statute is re-enacted.

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<sup>1</sup> *Bangalore Water Supply & Sewerage Bd. v. A. Rajappa*, (1978) 2 SCC 213 (India).

<sup>2</sup> The Industrial Relations Code, 2020, §§ 44, 51, No. 35, Acts of Parliament, 2020 (India); MINISTRY OF LABOUR AND EMPLOYMENT, Notification S.O. 5320(E) (Nov. 21, 2025) (appointing Nov. 21, 2025 as the date on which all provisions of the Code came into force). The Code makes no provision for Labour Courts or Courts of Inquiry and vests adjudication in a two-member Industrial Tribunal. Under § 104(1A), inserted by The Industrial Relations Code (Amendment) Act, 2026, § 2, No. 1, Acts of Parliament, 2026 (India) (deemed in force from Nov. 21, 2025), the tribunals and statutory authorities functioning under the repealed Acts continue to function until their counterparts under the Code become functional.

**B. Statement of the problem**

Notwithstanding the existence of conciliation officers, Works Committees, Grievance Redressal Committees and adjudicatory Tribunals, a very large number of industrial disputes in India remain pending for years, and in some instances for decades, before they are finally resolved. This delay defeats the very purpose for which the dispute-resolution machinery was created. Workmen awaiting reinstatement or back wages suffer prolonged economic hardship, employers are left with unresolved liabilities on their books, and the credibility of the labour justice system suffers. The problem, therefore, is not the absence of a legal framework but the manner in which that framework is administered in practice.

**C. Research objectives**

- To examine the statutory and institutional framework governing the resolution of industrial disputes in India.
- To identify the principal procedural, administrative and institutional factors that cause delay.
- To evaluate the adequacy of the Industrial Relations Code, 2020 in addressing these causes of delay.
- To study judicial pronouncements on the question of delay in industrial adjudication.
- To recommend practical, legally feasible reforms to reduce procedural delay.

**D. Research questions**

- What procedural and institutional factors contribute most to delay in the settlement of industrial disputes in India?
- How effectively do conciliation and the tribunal system under the Industrial Relations Code, 2020 secure timely resolution?
- What reforms (statutory, administrative or technological) are needed to bring India's dispute-resolution mechanism closer to global best practice?

**E. Scope of the study**

The study is confined to the resolution of industrial disputes under Indian law, with particular reference to the transition from the Industrial Disputes Act, 1947 to the Industrial Relations Code, 2020. It does not extend to disputes falling under the Code on Wages, 2019 or the Code on Social Security, 2020, except where these intersect with the machinery for dispute resolution. Comparative material from other jurisdictions is used only to the extent that it illuminates possible reform strategies for India.

## F. Research methodology

The study adopts a doctrinal, analytical and descriptive methodology. It relies principally on secondary sources (statutory text, judicial decisions, government reports and academic commentary) to identify the causes of delay and to test proposed reforms against the existing legal framework. Case law is used both to illustrate procedural bottlenecks and to trace how judicial attitudes toward delay have evolved.

## II. CONCEPTUAL FRAMEWORK OF INDUSTRIAL DISPUTES

### A. Meaning and definition

Section 2(k) of the Industrial Disputes Act, 1947 defines an “industrial dispute” broadly, as any dispute or difference between employers and employees, employers and workmen, or workmen and workmen, connected with the employment or non-employment, or the terms of employment or conditions of labour, of any person. The definition is deliberately wide, and courts have consistently declined to read restrictive conditions into it. In a recent ruling arising from a reference concerning contract labour, the Supreme Court rejected an employer’s objection that a charter of demands must first be served on the management: it reaffirmed that a written demand is not a *sine qua non* for an industrial dispute, that what matters is a real and substantial difference between the parties, and that the appropriate Government may in any event refer an apprehended dispute before it fully crystallises.<sup>3</sup> This approach traces back to *Shambu Nath Goyal v. Bank of Baroda*,<sup>4</sup> where the Court held that a written demand is not a *sine qua non* for the existence of a dispute.

### B. Nature and characteristics

An industrial dispute is collective in character, even where it originates in an individual grievance. The Supreme Court has held that an individual workman’s grievance becomes an industrial dispute only when it is taken up by a union of the employer’s workmen or by an appreciable number of them, and, in *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*, that those who raise a dispute must have a direct or substantial interest in the employment of the person concerned; disputes over the discharge, dismissal, retrenchment or termination of an individual workman were later deemed to be industrial disputes by statute.<sup>5</sup> This collective character is precisely why disputes tend to be procedurally

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<sup>3</sup> *M/s Premium Transmission Pvt. Ltd. v. State of Maharashtra*, 2026 INSC 87, ¶¶ 24, 34 (India) (decided Jan. 27, 2026).

<sup>4</sup> *Shambu Nath Goyal v. Bank of Baroda*, (1978) 2 SCC 353 (India).

<sup>5</sup> *Bombay Union of Journalists v. The Hindu*, AIR 1963 SC 318 (India) (following *Central Provinces Transport Services Ltd. v. Raghunath Gopal Patwardhan*, 1956 SCR 956 (India)); *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*, AIR 1958 SC 353 (India). For individual discharge and dismissal disputes,

heavy: multiple parties, competing versions of fact, and often overlapping claims must be sorted through before adjudication can even begin.

### **C. Classification of industrial disputes**

Industrial disputes are conventionally classified as (i) interest disputes, concerning the creation of new terms of employment such as wages or bonus; (ii) rights disputes, concerning the interpretation or application of existing terms; (iii) individual disputes relating to the discharge, dismissal, retrenchment or termination of a single worker, which Section 2A of the erstwhile Act and now the Industrial Relations Code, 2020 deem to be industrial disputes in their own right, permitting the worker to approach the Tribunal directly once conciliation has run for forty-five days; and (iv) unfair labour practice disputes, arising from conduct prohibited under the Fifth Schedule of the erstwhile Act and under Chapter XII, read with the Second Schedule, of the 2020 Code.

### **D. Causes of industrial disputes**

The substantive causes of industrial disputes, such as wage disagreements, working conditions, retrenchment, victimisation, recognition of trade unions and disciplinary action, are well documented in labour economics literature and are not the primary focus of this paper. What this paper is concerned with is the procedural life of a dispute once it has arisen: the path it takes from the first complaint to a binding award, and the points along that path where delay accumulates.

## **III. EVOLUTION OF LABOUR LAWS IN INDIA**

### **A. Historical development**

Statutory intervention in industrial relations in India predates independence, but the modern framework begins with the Industrial Disputes Act, 1947, enacted to provide machinery for the investigation and settlement of disputes and to prevent illegal strikes and lock-outs. Over the following decades, the Act was amended repeatedly, and its interpretation was shaped by a long line of Supreme Court decisions on the scope of “industry”, the meaning of “workman”, and the powers of Labour Courts and Tribunals.

### **B. The Industrial Disputes Act, 1947**

Under the 1947 Act, disputes ordinarily reached adjudication only through a reference made by the appropriate Government under Section 10, usually after conciliation under Sections 4 and

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see The Industrial Disputes Act, 1947, § 2A(1), No. 14, Acts of Parliament, 1947 (India) (inserted in 1965); The Industrial Relations Code, 2020, § 4(9).

12 had failed. This gave the executive a gatekeeping role that was itself a frequent source of delay, since a reference could be, and often was, resisted, deferred or challenged before it was ever made. The constitutionality of related restrictions, such as the requirement of prior government permission before closure under Section 25-O, was tested in *Excel Wear v. Union of India*,<sup>6</sup> where the Supreme Court struck down the provision as an unreasonable restriction on the employer's right to carry on business under Article 19(1)(g), while recognising that the right to close a business could still be reasonably regulated.

### C. The Industrial Relations Code, 2020

The Industrial Relations Code, 2020 consolidates the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946 into a single statute. Several of its features respond directly to the delay problem. In disputes relating to discharge, dismissal, retrenchment or termination, a worker may approach the Industrial Tribunal directly once forty-five days have passed since applying for conciliation, without waiting for a government reference, a route that the 1947 Act had already opened in 2010 and that the Code carries forward;<sup>7</sup> more significantly, in other disputes not settled in conciliation, any party may now apply to the Tribunal within ninety days of receiving the conciliation officer's report, so that a discretionary government reference is no longer the gateway to adjudication;<sup>8</sup> Grievance Redressal Committees, with equal representation of workers and management, are required in establishments employing twenty or more workers and may complete their proceedings within thirty days of an application, a period the statute expresses in permissive rather than mandatory terms;<sup>9</sup> and Labour Courts and Courts of Inquiry find no place in the Code, their functions folded into a two-member Industrial Tribunal intended to combine judicial and administrative expertise.<sup>10</sup> The Code also introduces a worker re-skilling fund for retrenched workers and revises the notice requirement for strikes and lock-outs, extending the requirement of prior notice to all industrial establishments rather than only public utility services.

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<sup>6</sup> *Excel Wear v. Union of India*, (1978) 4 SCC 224 (India).

<sup>7</sup> The Industrial Relations Code, 2020, § 4(10)–(11) (application directly to the Tribunal after the expiry of forty-five days from the application to the conciliation officer, within two years of the discharge, dismissal, retrenchment or termination); see also The Industrial Disputes Act, 1947, § 2A(2)–(3) (inserted by Act 24 of 2010, with effect from Sept. 15, 2010).

<sup>8</sup> The Industrial Relations Code, 2020, § 53(5)–(6).

<sup>9</sup> The Industrial Relations Code, 2020, § 4(1)–(2), (6) (the Committee “may complete its proceedings within thirty days”); its predecessor was The Industrial Disputes Act, 1947, § 9C (inserted in 2010).

<sup>10</sup> The Industrial Relations Code, 2020, § 44(2)–(3).

#### **D. Changing labour law regime**

The shift from a discretionary, government-mediated reference system to a more direct, timeline-bound tribunal system marks the most significant procedural change in Indian labour law since 1947. Whether this shift succeeds in reducing delay, however, depends less on the statutory text than on whether institutional capacity (benches, Tribunal members, infrastructure) keeps pace with the expanded avenues for approaching the Tribunal directly.

### **IV. INSTITUTIONAL FRAMEWORK FOR DISPUTE RESOLUTION**

#### **A. Conciliation officers**

Conciliation remains the first and, statistically, the most heavily used stage of dispute resolution. A conciliation officer is expected to mediate between the parties and, where a settlement is reached, to record it in a form that is binding.<sup>11</sup> Failure of conciliation opens the door to adjudication. In practice, however, conciliation proceedings are frequently protracted, either because officers are burdened with a heavy caseload across several establishments, or because one party has little incentive to settle and uses the conciliation stage merely to delay the matter reaching a Tribunal.

#### **B. Works Committees**

Works Committees, which the appropriate Government may require in establishments with 100 or more workers,<sup>12</sup> are intended to address matters of mutual interest before they harden into formal disputes. Their consultative, non-adjudicatory character means they can defuse minor friction early, but they have limited power over disputes that touch on rights already accrued under law or contract.

#### **C. Grievance Redressal Committees and voluntary arbitration**

The Industrial Relations Code, 2020 requires establishments with twenty or more workers to constitute Grievance Redressal Committees, with a defined period for resolving individual complaints before a worker may escalate the matter to conciliation. Separately, the Code preserves the option of voluntary arbitration,<sup>13</sup> under which the employer and the workers execute a written agreement referring an existing or apprehended dispute to a named arbitrator, bypassing conciliation and adjudication altogether. Arbitration remains under-used in India, largely because it depends on both sides consenting to a private process, and one party, usually the one with greater bargaining strength, frequently has little incentive to agree.

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<sup>11</sup> The Industrial Disputes Act, 1947, §§ 4, 12; see now The Industrial Relations Code, 2020, §§ 43, 53.

<sup>12</sup> The Industrial Relations Code, 2020, § 3(1); see also The Industrial Disputes Act, 1947, § 3(1).

<sup>13</sup> The Industrial Relations Code, 2020, § 42 (ch. VI, Voluntary Reference of Disputes to Arbitration).

## **D. Labour Courts, Industrial Tribunals and the National Industrial Tribunal**

Under the erstwhile Act, Labour Courts dealt with matters listed in the Second Schedule (such as the discharge and dismissal of individual workmen), while Industrial Tribunals could adjudicate matters in either Schedule, including the broader categories in the Third Schedule (such as wages, bonus, and retrenchment and closure).<sup>14</sup> The Industrial Relations Code, 2020 has done away with this distinction, along with the Labour Courts and Courts of Inquiry, consolidating adjudication in a single Industrial Tribunal and, for disputes of national importance or those likely to affect establishments in more than one State, a National Industrial Tribunal. Each Tribunal consists of two members, a Judicial Member and an Administrative Member, a structure intended to combine legal rigour with domain expertise. Most matters may be heard by a single member, but disputes over standing orders, discharge or dismissal, the legality of strikes and lock-outs, retrenchment and closure, and trade union disputes must be decided by a bench of both members. Those are the disputes in which delay matters most to workers, and they can proceed only when both seats are filled, which becomes a fresh source of delay wherever appointments lag.

## **V. FACTORS RESPONSIBLE FOR DELAY**

### **A. Procedural delays**

Under the 1947 Act, the timelines that did exist, a fourteen-day period for the conciliation officer's report and a period fixed in each order of reference for the submission of the award (not exceeding three months in an individual workman's dispute), were routinely extended, and no time limit at all governed the Government's decision whether to make a reference; a dispute could therefore remain in limbo for years before adjudication even began.<sup>15</sup> Even where timelines now exist, extensions and the repeated filing of interlocutory applications (objections to maintainability, applications for amendment of pleadings, requests for production of documents) continue to slow proceedings down. Recording of evidence in Tribunal proceedings still tends to follow a civil-court style of examination and cross-examination, which, while procedurally fair, is time-consuming when applied to what are often factually narrow disputes.

### **B. Administrative inefficiency**

Delay is not confined to the courtroom. Service of notices, transmission of records between conciliation officers and Tribunals, and coordination between State and Central labour

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<sup>14</sup> The Industrial Disputes Act, 1947, §§ 7, 7A, scheds. II–III; The Industrial Relations Code, 2020, §§ 44(3), (7), 46.

<sup>15</sup> The Industrial Disputes Act, 1947, §§ 10(2A), 12(6); The Industrial Relations Code, 2020, § 53(5).

departments are all points at which files can sit unattended for months. Understaffing at the level of conciliation officers and Tribunal registries compounds this, since the same limited administrative staff often serve several establishments or jurisdictions simultaneously.

### **C. Judicial backlog**

Vacancies in the office of Presiding Officer, and now in the Judicial and Administrative Member positions under the 2020 Code, have a direct effect on the pace of disposal. A Tribunal that lacks one of its two members cannot constitute the two-member bench that the Code requires for dismissal, retrenchment, closure and strike disputes, however efficiently the parties themselves conduct the case. The problem of vacancies and inadequate infrastructure in specialised tribunals is not unique to labour adjudication; the Supreme Court's broader jurisprudence on tribunal reform, including *Madras Bar Association v. Union of India*,<sup>16</sup> has repeatedly stressed that specialised tribunals must be properly constituted and supported if they are to function as intended.

### **D. Conduct of employers and employees**

Parties themselves contribute to delay. Employers with greater financial resources sometimes have a strategic incentive to prolong proceedings, since delay reduces the present value of any eventual liability and may pressure workers, who cannot sustain prolonged litigation without income, into an unfavourable settlement. Unions, on the other side, occasionally resist settlement for reasons connected to internal politics rather than the merits of the dispute. Both patterns convert what should be a narrow factual inquiry into a prolonged contest.

### **E. Resource constraints**

Physical infrastructure (courtrooms, record rooms, digitised case-management systems) remains uneven across States. Tribunals in smaller towns often lack even basic digital filing facilities, which means that virtual hearings and e-filing, though technically permitted, are not uniformly available in practice.

## **VI. CONSEQUENCES OF DELAYED DISPUTE RESOLUTION**

### **A. Impact on employees**

For a worker awaiting reinstatement or back wages, delay is not an abstract inconvenience but a direct threat to livelihood. Years of pendency can leave a worker without income for the very period the dispute concerns, eroding the practical value of whatever relief is eventually granted. The Supreme Court's recognition, in *National Textile Workers' Union v. P.R.*

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<sup>16</sup> *Madras Bar Ass'n v. Union of India*, (2014) 10 SCC 1 (India).

*Ramakrishnan*,<sup>17</sup> of the right of workers to be heard in winding-up proceedings affecting their employment underscores how much is at stake for the individual worker in the pace of these proceedings.

### **B. Impact on employers**

Employers, too, bear real costs from delay: contingent liabilities remain on the books for years, workforce planning is disrupted by uncertainty over pending reinstatement claims, and the cost of litigation itself accumulates regardless of the eventual outcome. Prolonged uncertainty of this kind also discourages employers from expanding operations or hiring in a manner exposed to future disputes.

### **C. Industrial harmony**

Delay corrodes the trust between labour and management on which industrial harmony depends. A dispute-resolution mechanism that is seen to be slow, whatever its formal fairness, gives neither side confidence that resort to it will actually resolve the underlying friction, and can push parties toward extra-legal forms of pressure such as unauthorised strikes or, on the management side, informal victimisation.

### **D. Economic and social implications**

At a systemic level, chronic delay in dispute resolution is a drag on the broader business environment. Investors and employers factor the risk of protracted litigation into their assessment of labour costs, and a justice system perceived as slow discourages the very formalisation of employment relationships that labour law is meant to encourage.

## **VII. JUDICIAL TRENDS AND LANDMARK DECISIONS**

### **A. Important Supreme Court judgments**

The Supreme Court has, across several decades, articulated a consistent concern for timely resolution even while insisting on procedural fairness. In *Bangalore Water Supply and Sewerage Board v. A. Rajappa*,<sup>18</sup> the Court's expansive reading of "industry" widened the number of establishments covered by the dispute-resolution machinery, a question significant enough that a nine-judge Constitution Bench was convened to revisit it; in August 2026 that Bench left the *Bangalore Water Supply* test governing disputes pending under the repealed Act, while holding that the definition of "industry" in the 2020 Code is to be interpreted on its own

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<sup>17</sup> *National Textile Workers' Union v. P.R. Ramakrishnan*, (1983) 1 SCC 228 (India).

<sup>18</sup> *Bangalore Water Supply*, (1978) 2 SCC 213; *State of U.P. v. Jai Bir Singh*, 2026 INSC 897 (India) (nine-judge bench, decided Aug. 20, 2026).

terms. In *Life Insurance Corporation of India v. D.J. Bahadur*,<sup>19</sup> the Court examined the interplay between a special labour statute and a general law, holding that the specific machinery created for industrial disputes and their resolution should ordinarily prevail. More recently, in *State of Uttar Pradesh v. Krishna Murari Sharma*,<sup>20</sup> the Supreme Court dealt directly with the consequences of a sixteen-year delay in seeking a reference, holding that an employer does not lose its right to raise the question of delay before the Labour Court merely because it did not challenge the reference order earlier, while moulding relief to account for the passage of time: the finding that the termination was illegal was upheld, but a lump-sum compensation replaced reinstatement and back wages.

### **B. High Court decisions and judicial interpretation**

High Courts, exercising writ jurisdiction over conciliation and reference orders, have repeatedly cautioned against allowing technical or preliminary objections to overshadow the substance of a dispute. The Supreme Court's own recent observations, made while upholding the reference of an apprehended dispute involving contract labour, recalled its earlier criticism of employers who raise preliminary objections and carry them from court to court, delaying the decision of the real dispute "for years, sometimes for over a decade", and warned that "permitting Preliminary Objections to stall this urgent process negates the preventive intent of the statute, converting a mechanism of immediate relief into an engine of delay."<sup>21</sup>

### **C. Critical analysis**

Read together, these decisions show a judiciary alert to the problem of delay but constrained by the structure of the statute it is interpreting. Courts can discourage dilatory tactics and mould relief to account for elapsed time, but they cannot themselves supply the additional Tribunal benches, staff or infrastructure that would prevent delay from arising in the first place. That task belongs to the legislature and the executive, and it is here that the Industrial Relations Code, 2020, with its fixed timelines for approaching the Tribunal, represents a genuine, if still untested, structural response.

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<sup>19</sup> *Life Insurance Corp. of India v. D.J. Bahadur*, (1981) 1 SCC 315 (India).

<sup>20</sup> *State of U.P. v. Krishna Murari Sharma*, 2025 INSC 1500, ¶¶ 8, 11, 13 (India) (decided Dec. 17, 2025).

<sup>21</sup> *Premium Transmission*, 2026 INSC 87, ¶¶ 9, 37 (quoting *D.P. Maheshwari v. Delhi Admin.*, (1983) 4 SCC 293 (India)).

## **VIII. COMPARATIVE PERSPECTIVES AND REFORM STRATEGIES**

### **A. International labour standards**

The International Labour Organization's Conventions on freedom of association and collective bargaining do not prescribe a specific dispute-resolution timeline, but the ILO's Committee on Freedom of Association has repeatedly stressed that legal proceedings should be concluded expeditiously, since "justice delayed is justice denied",<sup>22</sup> a principle equally applicable to reinstatement and back-wage claims under Indian law.

### **B. Comparative study with other jurisdictions**

Several other jurisdictions rely on specialised, time-bound tribunals for labour disputes. The United Kingdom's Employment Tribunal system operates within statutorily prescribed limitation periods and case-management timetables. Australia's Fair Work Commission combines conciliation and arbitration within a single body,<sup>23</sup> reducing the number of separate proceedings a dispute must pass through. These models share two features that the Indian system, even after 2020, has only partly replicated: a genuinely fixed overall timetable from filing to decision, and a single specialised forum rather than a multi-tier structure spanning conciliation, committees and tribunals.

### **C. ADR mechanisms**

Alternative dispute resolution, through mediation and voluntary arbitration, remains under-utilised in the Indian industrial context relative to its potential. Strengthening these mechanisms, including by training a dedicated cadre of labour mediators independent of the conciliation officer system, could resolve a meaningful share of disputes before they ever reach a Tribunal.

### **D. Digital reforms**

E-filing, virtual hearings and digital case-tracking, accelerated in use during the COVID-19 pandemic, have demonstrated that a substantial part of Tribunal procedure can function remotely without compromising fairness. Extending this infrastructure uniformly, including to smaller towns where Tribunal benches presently lack basic digital facilities, would remove one of the more easily solvable sources of delay.

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<sup>22</sup> Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organise, July 9, 1948, 68 U.N.T.S. 17; Convention (No. 98) Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, July 1, 1949, 96 U.N.T.S. 257; INT'L LABOUR OFFICE, FREEDOM OF ASSOCIATION: COMPILATION OF DECISIONS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION ¶¶ 169–170 (6th ed. 2018), [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed\\_norm/@normes/documents/publication/wcms\\_632659.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_632659.pdf).

<sup>23</sup> Employment Tribunals Act 1996, c. 17 (UK); Fair Work Act 2009 (Cth) (Austl.) (establishing the Fair Work Commission).

## **E. Policy recommendations**

Building on the preceding analysis, this paper recommends: (i) binding, and not merely directory, timelines for each stage of conciliation and adjudication, backed by a reporting requirement; (ii) prompt filling of vacancies in Tribunal Judicial and Administrative Member posts, with a transparent appointment calendar; (iii) mandatory e-filing and hybrid hearings across all Tribunal benches; (iv) periodic disposal audits published by the Ministry of Labour and Employment; and (v) statutory costs or compensation for parties shown to have used preliminary objections purely to stall proceedings.

## **IX. FINDINGS, SUGGESTIONS AND CONCLUSION**

### **A. Major findings**

The study finds that delay in industrial dispute resolution in India is rarely traceable to a single cause. It results from the cumulative effect of a discretionary or slow-moving conciliation stage, chronic vacancies at the adjudicatory level, procedural practices borrowed from ordinary civil litigation, uneven digital infrastructure, and the incentives that sometimes lead one party to prefer delay over resolution. The Industrial Relations Code, 2020 addresses several of these causes on paper (fixed timelines for approaching the Tribunal, a thirty-day period for Grievance Redressal Committees, and a leaner two-member Tribunal structure), but its success depends entirely on implementation, particularly the timely appointment of Tribunal members and investment in infrastructure.

### **B. Suggestions**

- Statutory timelines should be made enforceable, with clear consequences for non-compliance by either the administrative machinery or the parties.
- Tribunal vacancies should be filled proactively, on a fixed appointment calendar, rather than reactively once a backlog has already formed.
- Conciliation officers should be given a lighter, more clearly bounded caseload, supported by trained mediators.
- Digital case-management and virtual hearing infrastructure should be extended uniformly, including to Tribunals outside major metropolitan centres.
- Courts and Tribunals should be more willing to impose costs where a party's conduct is found to have caused avoidable delay.

### **C. Conclusion**

Timely resolution of industrial disputes is not a procedural nicety; it is central to whether labour law delivers on its basic promise of protecting workers while giving employers a predictable framework within which to operate. India's statutory and institutional response to this problem has evolved considerably, from the discretionary reference system under the Industrial Disputes Act, 1947 to the more structured, timeline-driven framework of the Industrial Relations Code, 2020. Yet the persistence of delay, documented across decades of case law and reaffirmed in recent judgments dealing with disputes that took well over a decade to resolve, shows that legislative reform alone is not sufficient. Without adequate Tribunal strength, disciplined case management, and a genuine institutional commitment to disposing of matters within the timelines the law now prescribes, the promise of the 2020 Code risks repeating the experience of the Act it replaced.

### **D. Limitations and scope for future research**

This study is doctrinal in nature and does not draw on empirical case-disposal data from individual Tribunals, which would allow a more precise measurement of where delay accumulates. Future research could usefully combine such empirical data with the doctrinal analysis offered here, and could extend the comparative study to a wider set of jurisdictions, including those in South and Southeast Asia facing similar institutional constraints.

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