
BEYOND SECTION 2A: INDIVIDUAL DISPUTES AND THE CONTINUING LEGAL GAPS UNDER THE INDUSTRIAL RELATIONS CODE, 2020

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ABSTRACT

The recognition of individual disputes marks one of the most significant developments in Indian labour jurisprudence. Traditionally, the Industrial Disputes Act, 1947 treated industrial disputes as collective conflicts, requiring the espousal of a trade union or a substantial body of workmen before an individual grievance could be adjudicated. The introduction of Section 2A partially departed from this approach by recognising disputes relating to discharge, dismissal, retrenchment and termination as industrial disputes even without collective sponsorship. Building upon this legislative evolution, the Industrial Relations Code, 2020 seeks to strengthen the recognition of individual disputes within a consolidated industrial relations framework.

This paper critically examines whether the Industrial Relations Code, 2020 has substantially transformed the law relating to individual disputes or merely carried forward the limited protection envisaged under Section 2A. Through a doctrinal analysis of statutory provisions, legislative developments and leading judicial decisions, the paper traces the evolution of the concept of individual disputes and evaluates the extent to which the Code addresses the shortcomings of the previous regime.

The study argues that while the Code represents a progressive step towards recognising individual employment rights, it leaves several important legal questions unresolved. The absence of explicit protection for disputes relating to transfers, promotions, suspensions, disciplinary actions short of termination and other service conditions continues to create uncertainty regarding the scope of individual disputes and access to industrial adjudication. In the context of changing employment relationships and emerging forms of work, these gaps may undermine the objective of ensuring effective labour justice.

The paper concludes that although the Industrial Relations Code, 2020 advances the recognition of individual disputes, the reform remains incomplete. It recommends a broader statutory framework capable of addressing all significant individual employment grievances while

maintaining the balance between collective bargaining and individual labour rights.

Keywords: Industrial Relations Code, 2020; Individual Disputes; Section 2A; Industrial Adjudication; Labour Law Reform

I. Introduction

Industrial jurisprudence in India has traditionally been founded upon the philosophy of collective bargaining, where disputes arising within an establishment were perceived not merely as disagreements between an employer and an individual employee, but as matters affecting the collective interests of labour. The Industrial Disputes Act, 1947 ("ID Act") was enacted against this backdrop with the primary objective of promoting industrial peace through collective negotiation, conciliation and adjudication. Consequently, the statutory definition of an "industrial dispute" under Section 2(k) largely contemplated disputes involving employers and a body of workmen or trade unions, rather than grievances of an individual employee acting alone.¹

This collective orientation reflected the socio-economic realities of post-independence India, where trade unions were regarded as the principal representatives of labour and industrial adjudication was designed to preserve harmony between organised capital and organised labour.² Individual employment disputes were generally expected to be channelled through trade unions, ensuring that industrial adjudication addressed issues having a broader impact upon the workforce rather than isolated personal grievances. While this approach strengthened collective bargaining as a cornerstone of industrial democracy, it simultaneously created significant obstacles for individual workmen whose grievances failed to attract union support or collective espousal.³

The judiciary soon recognised the inequities inherent in this framework. Courts consistently held that an individual dispute could attain the status of an industrial dispute only when it was sponsored by a substantial number of workmen or by a recognised trade union.⁴ Consequently, employees subjected to dismissal, discharge or other adverse employment actions often found

¹ Industrial Disputes Act, 1947, s 2(k).

² S C Srivastava, *Industrial Relations and Labour Laws* (7th edn, Vikas Publishing 2018) 21–25.

³ O P Malhotra, *The Law of Industrial Disputes* (7th edn, Universal Law Publishing 2015) 164–170.

⁴ *Newspapers Ltd. v State Industrial Tribunal, U.P.* AIR 1957 SC 532; *Bombay Union of Journalists v The Hindu* AIR 1963 SC 318.

themselves without an effective statutory remedy merely because their fellow workers declined to espouse their cause. The requirement of collective sponsorship gradually came to be viewed as an artificial procedural barrier that subordinated individual justice to collective representation.

Acknowledging these practical difficulties, Parliament enacted the Industrial Disputes (Amendment) Act, 1965 introducing Section 2A into the ID Act. The amendment represented a watershed in Indian labour jurisprudence by providing that disputes connected with the discharge, dismissal, retrenchment or termination of an individual workman would be deemed to be industrial disputes notwithstanding the absence of union sponsorship.⁵ The insertion of Section 2A marked a significant departure from the purely collective character of industrial disputes and reflected an emerging recognition that certain individual employment rights deserved independent statutory protection.

Nevertheless, Section 2A did not completely dismantle the collective framework upon which the Industrial Disputes Act rested. Its operation remained confined to a narrow category of disputes relating to termination of employment, leaving numerous employment grievances including transfers, promotions, suspensions, disciplinary penalties, adverse confidential reports, denial of increments and workplace discrimination outside its statutory ambit.⁶ Such disputes frequently continued to require collective espousal or were relegated to constitutional remedies, civil litigation or departmental proceedings, resulting in fragmented and inconsistent avenues of redress.

The enactment of the Industrial Relations Code, 2020 ("IR Code") sought to consolidate and modernise India's industrial relations framework by subsuming the Industrial Disputes Act, 1947 along with other labour legislation. One of its significant contributions lies in recognising individual disputes within the statutory scheme, thereby signalling a gradual shift from an exclusively collective conception of industrial relations towards a more balanced approach that acknowledges individual employment rights. This legislative reform reflects changing labour market realities characterised by declining trade union density, increasing contractual employment, evolving workplace structures and the growing need for accessible mechanisms

⁵ Industrial Disputes (Amendment) Act, 1965; Industrial Disputes Act, 1947, s 2A.

⁶ H L Kumar, *Labour Problems and Remedies* (Universal Law Publishing 2019) 311–318.

to resolve individual employment disputes.⁷

However, the statutory recognition of individual disputes raises an important jurisprudential question: Has the Industrial Relations Code, 2020 genuinely transcended the limitations that characterised Section 2A, or has it merely reproduced existing legal ambiguities within a new legislative framework? While the Code undoubtedly represents a progressive step in recognising individual employment rights, several questions remain unanswered regarding the precise scope of individual disputes, the categories of grievances that fall within its ambit, and the continued relevance of judicial doctrines developed under the earlier regime.

This paper argues that although the Industrial Relations Code, 2020 represents a substantial legislative advancement, it has not entirely resolved the structural deficiencies associated with individual employment disputes in India. Important categories of service-related grievances continue to occupy uncertain legal territory, and procedural complexities surrounding access to industrial adjudication remain capable of limiting effective remedies for individual workers. Consequently, the transition from Section 2A to the Industrial Relations Code should be understood not as the culmination of legal reform but as an intermediate stage in the continuing evolution of Indian labour jurisprudence.

Adopting a doctrinal research methodology, this study analyses the legislative history underlying the recognition of individual disputes, examines the evolution of judicial interpretation under the Industrial Disputes Act, and critically evaluates the framework introduced by the Industrial Relations Code, 2020. Through an examination of statutory provisions, landmark judicial precedents and selected case studies, the paper seeks to identify the continuing legal gaps affecting individual employment disputes and proposes reforms capable of strengthening access to labour justice while preserving the broader objectives of industrial harmony.

II. Evolution of Individual Disputes in India

1. The Original Concept of Industrial Dispute under the Industrial Disputes Act, 1947

The Industrial Disputes Act, 1947 ("ID Act") was enacted with the principal objective of

⁷ Ministry of Labour and Employment, The Industrial Relations Code, 2020: Statement of Objects and Reasons; Report of the Second National Commission on Labour (Government of India, 2002).

securing industrial peace through collective bargaining, conciliation and adjudication. Emerging in the immediate post-independence period, the legislation reflected the philosophy of the welfare State, which sought to balance the competing interests of labour and capital while ensuring uninterrupted industrial production. Rather than conferring individual contractual remedies upon employees, the Act was conceived as an instrument for resolving disputes that affected the industrial community as a whole. Consequently, the notion of an "industrial dispute" under the Act was inherently collective in character, premised upon the assumption that industrial conflict ordinarily arises between organised groups of employers and organised labour.⁸

Section 2(k) of the Industrial Disputes Act defined an industrial dispute as:

*"...any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person."*⁹

At first glance, the inclusion of the phrase "any person" appeared sufficiently broad to encompass disputes concerning individual employees. However, judicial interpretation soon clarified that the expression could not be read in isolation. The definition had to be understood in the broader context of the Act's underlying philosophy, which was centred upon collective industrial relations rather than individual employment contracts. Thus, a dispute raised solely by an individual workman did not ordinarily qualify as an industrial dispute unless it acquired a representative or collective character through the support of fellow workmen or a recognised trade union.¹⁰

The insistence upon collective sponsorship was rooted in the theoretical foundations of industrial adjudication. Unlike ordinary civil litigation, industrial adjudication was intended to preserve industrial harmony by addressing disputes capable of affecting the workforce collectively. The legislature consciously distinguished between individual contractual rights, which were enforceable through ordinary legal remedies, and industrial disputes, which were matters of public importance warranting State intervention through specialised adjudicatory machinery.¹¹ In this framework, trade unions were recognised not merely as representative

⁸ P.L. Malik, *Industrial Law* (29th edn, Eastern Book Company 2021) 734–738.

⁹ Industrial Disputes Act, 1947, s. 2(k).

¹⁰ O.P. Malhotra, *The Law of Industrial Disputes* (7th edn, Universal Law Publishing 2015) 163–167.

¹¹ S.C. Srivastava, *Industrial Relations and Labour Laws* (7th edn, Vikas Publishing House 2018) 19–25.

organisations but as indispensable institutions through which individual grievances were transformed into questions of collective industrial concern.

This approach gave rise to what later came to be known as the doctrine of espousal, whereby an individual grievance became an industrial dispute only when it was adopted or supported by a substantial number of workmen or by the representative trade union of the establishment. The doctrine did not derive from any explicit statutory provision; rather, it evolved through judicial interpretation as a means of preserving the collective nature of industrial adjudication.¹²

One of the earliest and most influential pronouncements on this issue was the decision of the Supreme Court in *Central Provinces Transport Services Ltd. v. Raghunath Gopal Patwardhan*.¹³ The Court held that a dispute relating to the dismissal of a single employee could not automatically constitute an industrial dispute unless it was taken up by the union or by an appreciable body of workmen. The Court reasoned that the Act was designed to resolve collective industrial conflicts and not merely private disputes between an employer and an individual employee. Although the judgment acknowledged that individual dismissals might indirectly affect industrial relations, it nevertheless maintained that collective support remained the decisive factor for invoking the statutory machinery.

The doctrine was reaffirmed and elaborated in *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*,¹⁴ where the Supreme Court interpreted the expression "any person" occurring in Section 2(k). The Court rejected the argument that every dispute concerning any individual automatically qualified as an industrial dispute. Instead, it held that the person concerned must possess a direct or substantial nexus with the establishment and that the dispute itself must be capable of affecting the interests of the workmen collectively. The judgment thus emphasised that the statutory definition could not be divorced from the broader objectives of industrial peace and collective bargaining. While the decision expanded the understanding of who could be the subject of an industrial dispute, it did not dilute the requirement that the dispute itself possess a collective dimension.

The principle was further clarified in *Newspapers Ltd. v. State Industrial Tribunal, U.P.*,¹⁵ where the Court observed that an individual dispute acquires the character of an industrial

¹² H.L. Kumar, *Labour Problems and Remedies* (Universal Law Publishing 2019) 302–305.

¹³ *Central Provinces Transport Services Ltd. v. Raghunath Gopal Patwardhan*, AIR 1957 SC 104.

¹⁴ *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate*, AIR 1958 SC 353.

¹⁵ *Newspapers Ltd. v. State Industrial Tribunal, U.P.*, AIR 1957 SC 532.

dispute only when it is sponsored by a considerable section of the workforce. Mere sympathy expressed by a few colleagues was held to be insufficient. What was required was genuine collective adoption of the dispute, demonstrating that the grievance had transcended the personal interests of the individual employee and had become a matter affecting labour as a class.

The Supreme Court reiterated the same position in *Bombay Union of Journalists v. The Hindu*,¹⁶ holding that the support of a recognised trade union or a substantial body of workmen was essential before an individual grievance could be referred for industrial adjudication. The Court observed that the legislative scheme envisaged industrial adjudication as a mechanism for resolving disputes with collective ramifications rather than providing an alternative forum for ordinary employment litigation. Consequently, the espousal doctrine became firmly embedded within Indian industrial jurisprudence.

Although the doctrine served the broader objective of promoting collective bargaining, its practical operation frequently produced harsh consequences for individual workmen. Employees who were dismissed, retrenched or otherwise victimised often found themselves unable to obtain the support of trade unions for reasons entirely unrelated to the merits of their claims. In establishments where trade unions were weak, politically divided or dominated by management, individual grievances frequently remained unrepresented. Similarly, employees occupying isolated positions or working in small establishments had little realistic prospect of securing collective sponsorship.¹⁷

The requirement of espousal also created inconsistencies in the administration of labour justice. Two employees facing identical disciplinary action could receive entirely different legal treatment depending solely upon whether their colleagues or union agreed to sponsor the dispute. The existence of a statutory remedy therefore depended less upon the legality of the employer's conduct than upon the internal dynamics of trade union politics. Such a framework increasingly appeared incompatible with evolving notions of fairness and access to justice, particularly as labour law gradually shifted towards recognising individual employment rights alongside collective bargaining.¹⁸

¹⁶ *Bombay Union of Journalists v. The Hindu*, AIR 1963 SC 318.

¹⁷ O.P. Malhotra (n 3) 170–172.

¹⁸ S.C. Srivastava (n 4) 33–36.

By the early 1960s, the limitations of the espousal doctrine had become increasingly evident. While the judiciary acknowledged the hardship caused by the requirement of collective sponsorship, it consistently maintained that any departure from the statutory framework under Section 2(k) was a matter for legislative reform. This led Parliament to enact the Industrial Disputes (Amendment) Act, 1965, introducing Section 2A, which for the first time recognised specified individual disputes as industrial disputes without requiring union espousal. The amendment marked a significant shift towards protecting individual employment rights while retaining the broader framework of collective industrial relations.

2. Judicial Evolution of Individual Disputes and the Genesis of Section 2A

The requirement of collective espousal under Section 2(k) of the Industrial Disputes Act, 1947 soon revealed significant practical difficulties. Although consistent with the Act's emphasis on collective bargaining, it often deprived individual workmen of statutory remedies merely because their grievances lacked trade union support. The judiciary repeatedly affirmed that an individual dispute would attain the status of an industrial dispute only when espoused by a substantial body of workmen or a recognised trade union. In *Bombay Union of Journalists v. The Hindu*¹⁹, the Supreme Court reiterated that industrial adjudication was intended to resolve disputes affecting the collective interests of labour and not purely individual grievances. Similarly, in *Workmen of Dharampal Premchand (Saughandhi) v. Dharampal Premchand*²⁰, the Court clarified that espousal could take place either before or after the reference, but collective support remained indispensable.

The practical consequences of this doctrine increasingly attracted criticism. Legitimate claims of dismissed or retrenched employees often failed solely because unions declined to espouse them due to internal politics, weak organisation or management influence. Recognising these hardships, Parliament enacted the Industrial Disputes (Amendment) Act, 1965, inserting Section 2A, which deemed disputes relating to the discharge, dismissal, retrenchment or termination of an individual workman to be industrial disputes even without collective sponsorship.²¹

The introduction of Section 2A marked the first statutory recognition of individual employment

¹⁹ *Bombay Union of Journalists v. The Hindu*, AIR 1963 SC 318.

²⁰ *Workmen of Dharampal Premchand (Saughandhi) v. Dharampal Premchand*, AIR 1966 SC 182.

²¹ Industrial Disputes (Amendment) Act, 1965, s. 3.

rights within Indian industrial jurisprudence. However, it was a limited exception rather than a complete departure from the collective framework of the Act. The provision remained confined to termination-related disputes, leaving other service matters such as transfers, promotions, suspensions and disciplinary penalties outside its ambit.²² Thus, while Section 2A significantly improved access to industrial justice, it did not eliminate the structural divide between collective and individual disputes.

3. From Section 2A to the Industrial Relations Code, 2020

Section 2A marked the beginning of a gradual shift from a purely collective approach towards greater recognition of individual employment rights. Judicial interpretation adopted a liberal construction of the provision in termination-related disputes, while consistently refusing to extend its scope to other service matters. Consequently, employees challenging transfers, suspensions, denial of promotion or other adverse service conditions continued to depend upon the doctrine of espousal.²³

A significant development came with the Industrial Disputes (Amendment) Act, 2010, which inserted sub-sections (2) and (3) into Section 2A, enabling an individual workman to approach the Labour Court or Tribunal directly after the failure of conciliation proceedings.²⁴ This amendment reduced dependence upon governmental reference and strengthened access to industrial adjudication, reflecting a growing legislative recognition of individual labour rights.

The Second National Commission on Labour (2002) also recommended simplification of labour laws and a more effective dispute resolution framework suited to changing employment patterns.²⁵ These developments eventually culminated in the enactment of the Industrial Relations Code, 2020, which consolidated the existing law while carrying forward the principle underlying Section 2A. The Code thus represents the culmination of the gradual evolution of individual disputes in Indian labour law, though, as the succeeding discussion demonstrates, significant legal gaps continue to remain.

²² O.P. Malhotra, *The Law of Industrial Disputes* (7th edn, Universal Law Publishing 2015) 183–186; S.C. Srivastava, *Industrial Relations and Labour Laws* (7th edn, Vikas Publishing House 2018) 35–38.

²³ *Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court*, (1990) 3 SCC 682; S.C. Srivastava, *Industrial Relations and Labour Laws* (7th edn, Vikas Publishing House 2018) 38–41.

²⁴ Industrial Disputes (Amendment) Act, 2010, inserting ss. 2A(2) and 2A(3).

²⁵ Government of India, *Report of the Second National Commission on Labour* (2002), ch. VII.

III. The Jurisprudential Shift: From Collective Labour Rights to Individual Employment Rights

The recognition of individual disputes under the Industrial Relations Code, 2020 cannot be appreciated merely as another legislative amendment. Rather, it reflects a gradual transformation in the philosophy of Indian labour law itself. Historically, labour jurisprudence developed upon the premise that industrial conflict was inherently collective. The relationship between labour and capital was viewed as one involving organised groups rather than individual actors, and consequently the legal framework emphasised collective bargaining, trade union representation and industrial peace over the vindication of individual employment rights.²⁶

This collective orientation was neither accidental nor unique to India. Labour legislation enacted during the early twentieth century across several jurisdictions emerged in response to the unequal bargaining power between employers and workers. Individual employees were considered economically incapable of negotiating fair employment conditions on their own. Trade unions therefore became the institutional mechanism through which workers could bargain collectively and secure equitable terms of employment.²⁷ Industrial adjudication similarly evolved as a public law mechanism intended to preserve industrial harmony rather than merely resolve private contractual disputes.

The Industrial Disputes Act, 1947 faithfully reflected this philosophy. Its principal concern was the maintenance of industrial peace through conciliation, arbitration and adjudication of disputes affecting groups of workmen. Individual grievances were viewed as matters of private employment unless they acquired collective significance through espousal by fellow workers or recognised trade unions. Consequently, labour rights during the early decades after independence were predominantly collective rights, exercised through representative institutions rather than directly by individual employees.²⁸

Over time, however, significant structural changes in the labour market began to challenge these assumptions. Economic liberalisation, technological advancement, globalisation and the expansion of the service economy fundamentally altered the nature of employment

²⁶ Otto Kahn-Freund, *Labour and the Law* (3rd edn, Stevens & Sons 1983) 8–16.

²⁷ Sir William Wedderburn, *The Worker and the Law* (3rd edn, Penguin 1986) 40–52.

²⁸ S.C. Srivastava, *Industrial Relations and Labour Laws* (7th edn, Vikas Publishing House 2018) 18–24.

relationships. Permanent employment gradually gave way to fixed-term appointments, outsourcing, contractual labour and flexible work arrangements. Simultaneously, trade union density declined across many sectors, particularly in private industry and emerging service enterprises.²⁹ As employment relationships became increasingly individualised, dependence upon collective representation ceased to reflect workplace realities.

This transformation also coincided with an important constitutional development. The Supreme Court progressively expanded the scope of Articles 14 and 21 of the Constitution by recognising fairness, non-arbitrariness and dignity as essential components of public employment and, indirectly, of labour jurisprudence. Although industrial adjudication remained governed primarily by statute, constitutional values increasingly influenced judicial interpretation of labour legislation. Labour law gradually ceased to be viewed exclusively as an instrument for maintaining industrial peace and came to be recognised as a means of protecting the dignity and economic security of individual workers.³⁰

International labour standards reinforced this transition. While the International Labour Organization has consistently promoted collective bargaining as a fundamental labour right, it has simultaneously recognised the necessity of protecting individual workers against arbitrary dismissal, discrimination and unfair employment practices. Instruments such as the ILO Termination of Employment Convention, 1982 (No. 158), although not ratified by India, reflect the emerging international consensus that protection against unjust termination constitutes an individual labour right independent of collective bargaining.³¹ Similar developments can be observed in jurisdictions such as the United Kingdom, Australia and South Africa, where statutory recognition of unfair dismissal and individual employment rights has complemented rather than displaced collective labour institutions.

The gradual expansion of Section 2A under the Industrial Disputes Act mirrored these broader developments. Initially conceived as a narrow statutory exception, Section 2A increasingly came to represent legislative acknowledgement that certain employment rights belong to individual workers irrespective of collective support. The 2010 amendment, enabling direct

²⁹ Report of the Second National Commission on Labour (Government of India 2002) ch VII.

³⁰ *Delhi Transport Corporation v. DTC Mazdoor Congress* 1991 Supp (1) SCC 600; *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545; *Air India Statutory Corporation v. United Labour Union* (1997) 9 SCC 377.

³¹ International Labour Organization, Termination of Employment Convention, 1982 (No. 158) and Termination of Employment Recommendation, 1982 (No. 166).

access to Labour Courts following failed conciliation, further strengthened this individual rights-based approach by reducing procedural dependence upon governmental discretion³².

Yet, despite these developments, Indian labour law continues to retain a fundamentally hybrid character. Collective bargaining remains the preferred mechanism for regulating industrial relations, while individual rights receive statutory recognition only in carefully defined circumstances. This duality explains many of the inconsistencies that continue to characterise industrial adjudication. Certain employment grievances receive direct statutory protection, whereas others remain dependent upon doctrines developed in an era when organised labour dominated industrial relations. Consequently, the law often struggles to accommodate contemporary employment relationships within conceptual frameworks designed for an earlier industrial economy.

It is against this backdrop that the Industrial Relations Code, 2020 must be understood. The Code represents not merely legislative consolidation but the latest stage in the gradual transition from collective labour jurisprudence towards recognition of individual employment rights. Whether it successfully completes that transition, however, depends upon the breadth of protection it actually affords individual workers. As the following section demonstrates, although the Code undoubtedly expands the recognition of individual disputes, it simultaneously leaves significant questions unresolved, thereby perpetuating important legal gaps within India's contemporary industrial relations framework.

IV. Individual Disputes under the Industrial Relations Code, 2020: A Progressive Reform?

The Industrial Relations Code, 2020 marks the culmination of the gradual evolution of individual disputes in Indian labour law. Unlike the Industrial Disputes Act, 1947, which treated individual disputes as a statutory exception under Section 2A, the Code incorporates the concept of an individual dispute within its broader statutory framework. This legislative shift reflects Parliament's recognition that industrial relations are no longer confined to collective conflicts alone but increasingly encompass individual workplace grievances requiring independent legal protection.³³

³² Industrial Disputes (Amendment) Act, 2010, inserting Sections 2A(2) and 2A(3).

³³ Industrial Relations Code, 2020, Statement of Objects and Reasons.

The Code retains the substance of Section 2A by providing that disputes arising from the discharge, dismissal, retrenchment or termination of an individual worker shall be treated as industrial disputes notwithstanding the absence of union sponsorship.³⁴ However, unlike the earlier legislative scheme, the Code integrates this principle within a consolidated labour law framework, signalling a departure from the traditional notion that industrial adjudication is exclusively concerned with collective bargaining.

This development is consistent with the changing nature of employment relationships in India. Declining trade union density, increasing contractualisation, the expansion of service-sector employment and greater managerial discretion have significantly reduced the practical relevance of the doctrine of espousal. In this context, recognising individual disputes strengthens access to labour justice by enabling workers to seek statutory remedies without depending upon collective support. The reform also aligns Indian labour law with the broader international trend of balancing collective bargaining with the protection of individual employment rights.³⁵

However, the legislative reform is evolutionary rather than revolutionary. The Code substantially reproduces the framework of Section 2A instead of redefining the broader concept of an individual dispute. Consequently, while disputes relating to termination of employment continue to enjoy independent statutory recognition, several other forms of employment grievances remain outside the scope of explicit protection. The Code therefore expands procedural access but does not comprehensively redefine the substantive boundaries of individual labour rights. This limitation gives rise to significant legal uncertainties that continue to affect industrial adjudication.

V. Beyond Section 2A: Continuing Legal Gaps under the Industrial Relations Code, 2020

Although the Industrial Relations Code, 2020 represents a significant legislative advancement, it does not completely resolve the historical limitations associated with individual employment disputes. The most notable shortcoming lies in the continued confinement of individual disputes to matters relating primarily to discharge, dismissal, retrenchment and termination. Numerous employment grievances capable of seriously affecting a worker's career remain

³⁴ Industrial Relations Code, 2020, s. 2(34) read with the provisions governing individual disputes (corresponding to Section 2A of the Industrial Disputes Act, 1947).

³⁵ Report of the Second National Commission on Labour (2002), ch. VII.

outside the express statutory framework.

For instance, disputes relating to promotion, transfer, suspension, withholding of increments, demotion, adverse performance appraisal and discriminatory disciplinary action do not receive independent statutory recognition under the Code. Unless such disputes are collectively espoused or otherwise satisfy the definition of an industrial dispute, employees may still encounter procedural obstacles in invoking industrial adjudication. The distinction appears increasingly artificial since these employment decisions often have consequences comparable to termination itself.

Another significant concern relates to changing patterns of employment. The Code primarily protects workers falling within its statutory definition, whereas the expanding workforce engaged in contractual, platform-based and other non-standard forms of employment may continue to experience uncertainty regarding the availability of industrial remedies. Although separate labour codes attempt to regulate some of these relationships, the fragmentation of protections weakens the objective of ensuring uniform access to labour justice.

Further, the Code provides little guidance regarding the treatment of modern workplace disputes involving harassment, victimisation, algorithmic management, digital performance monitoring and other emerging forms of managerial control. As workplaces become increasingly technology-driven, limiting statutory recognition to traditional forms of termination may prove inadequate for addressing contemporary employment conflicts.

The absence of clear legislative guidance is likely to place greater responsibility upon the judiciary to determine the scope of individual disputes under the Code. While judicial interpretation has historically played a constructive role in expanding labour rights, excessive reliance upon litigation may also produce uncertainty and inconsistent outcomes. Consequently, the objective of simplifying industrial relations through codification may not be fully realised.

Accordingly, the Industrial Relations Code should be viewed as an important step rather than the final stage in the evolution of individual labour rights. The recognition of individual disputes has undoubtedly strengthened access to industrial justice, but the persistence of substantive and procedural gaps indicates that the transition from collective labour jurisprudence to a more comprehensive individual rights framework remains incomplete.

VI. Conclusion and Recommendations

The recognition of individual disputes under the Industrial Relations Code, 2020 marks an important step in the evolution of Indian labour law. It reflects a gradual shift from the traditional collectivist approach of the Industrial Disputes Act, 1947 towards greater recognition of individual employment rights. By removing the requirement of collective espousal in specified cases, the Code has strengthened access to industrial adjudication and acknowledged the changing realities of modern employment.

However, the reform remains only partially complete. The statutory protection continues to be primarily confined to disputes arising out of discharge, dismissal, retrenchment and termination, leaving several significant employment-related grievances, such as promotion, transfer, suspension and other service conditions, without explicit recognition as individual disputes. As workplaces become increasingly diverse and employment relationships more individualised, these omissions create uncertainty and may limit effective access to labour justice.

To address these concerns, the scope of individual disputes should be broadened to include all substantial service-related grievances affecting a worker's rights. Legislative clarification on the ambit of individual disputes would also reduce unnecessary litigation and ensure greater consistency in industrial adjudication. Such reforms would better align the law with contemporary employment practices while preserving the role of collective bargaining in maintaining industrial harmony.

The Industrial Relations Code, 2020 is undoubtedly a progressive reform, but it should be regarded as the beginning rather than the culmination of the recognition of individual labour rights in India. A more comprehensive legal framework is essential to ensure that the objective of social justice extends beyond protection against termination and encompasses the wider realities of the modern workplace.