THE INDUSTRIAL DISPUTES ACT, 1947

Table of Contents

THE INDUSTRIAL DISPUTES ACT, 1947 6

CHAPTER I PRELIMINARY 6

1. Short title, extent and commencement 6

2. Definitions 6

2-A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute 16

CHAPTER II AUTHORITIES UNDER THIS ACT 18

3. Works Committee 18

4. Conciliation officers 21

5. Boards of Conciliation 21

6. Courts of Inquiry 21

7. [76][Labour Courts 22

7-A. Tribunals 25

7-B. National Tribunals 29

7-C. Disqualifications for the presiding officers of Labour Courts, Tribunals and National Tribunals 29

8. Filling of vacancies 30

9. Finality of orders constituting Boards, etc. 31

CHAPTER II-A NOTICE OF CHANGE 31

9-A. Notice of change 31

9-B. Power of Government to exempt 32

CHAPTER II-B GRIEVANCE REDRESSAL MACHINERY 33

9-C. Setting up of Grievance Redressal Machinery 33

CHAPTER II-B REGISTRATION OF UNIONS 33

9-C. Maintenance of register 33

9-D. Application for registration 33

9-E. Registration of Union 34

9-F. Cancellation of registration 34

9-G. Registration of another Union in place of existing registered Union 35

9-H. Application for re-registration 35

9-I. Appeal to Industrial Tribunal from order of Registrar 35

9-J. Publication of orders 36

CHAPTER III REFERENCE OF DISPUTES TO BOARDS, COURTS OR TRIBUNALS 36

10. Reference of disputes to Boards, Courts or Tribunals 36

10-A. Voluntary reference of disputes to arbitration 41

CHAPTER III-A ARBITRATION 45

CHAPTER IV PROCEDURE, POWERS AND DUTIES OF AUTHORITIES 47

11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals 47
11-A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen 50
12. Duties of conciliation officers 51
13. Duties of Board 52
14. Duties of Courts 53
15. Duties of Labour Courts, Tribunals and National Tribunals 53
16. Form of report or award 53
17. Publication of reports and awards 54
17-A. Commencement of the award 54
17-B. Payment of full wages to workman pending proceedings in higher courts 56
18. Persons on whom settlements and awards are binding 56
19. Period of operation of settlements and awards 57
20. Commencement and conclusion of proceedings 58
21. Certain matters to be kept confidential 59
CHAPTER V STRIKES AND LOCK-OUTS 60
22. Prohibition of strikes and lock-outs 60
23. General prohibition of strikes and lock-outs 61
24. Illegal strikes and lock-outs 61
25. Prohibition of financial aid to illegal strikes and lock- outs 62
CHAPTER V-A LAY-OFF AND RETRENCHMENT 62
25-A. Application of sections 25C to 25E 62
25-B. Definition of continuous service 62
25-C. Right of workmen laid-off for compensation 63
25-D. Duty of an employer to maintain muster rolls of workmen 64
25-E. Workmen not entitled to compensation in certain cases 64
25-F. Conditions precedent to retrenchment of workmen 65
25-FF. Compensation to workmen in case of transfer of undertakings 66
25-FFA. Sixty days' notice to be given of intention to close any undertaking 66
25-FFF. Compensation to workmen in case of closing down of undertakings 67
25-G. Procedure for retrenchment 69
25-H. Re-employment of retrenched workmen 69
25-I. Recovery of moneys due from employers under this chapter 69
25-J. Effect of laws inconsistent with this Chapter 70
CHAPTER V-B SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS 70

25-K. Application of Chapter V-B 70

25K. 73

25-L. Definitions 73

25-M. Prohibition of lay-off 74

25-N. Conditions precedent to retrenchment of workmen 76

25-O. Procedure for closing an undertaking 80

25-P. Special provision as to restarting of undertakings closed down before commencementof the Industrial Disputes (Amendment) Act, 1976 87

25-Q. Penalty for lay-off and retrenchment without previous permission 90

25-R. Penalty for closure 91

25-S. Certain provisions of Chapter VA to apply to an industrial establishment to which this Chapter applies 92

CHAPTER V-C UNFAIR LABOUR PRACTICES 93

25-T. Prohibition of unfair labour practice 93

25-U. Penalty for committing unfair labour practices 93

CHAPTER V-D 93

CHAPTER VI PENALTIES 96

26. Penalty for illegal strikes and lock-outs 96

27. Penalty for instigation, etc. 96

28. Penalty for giving financial aid to illegal strikes and lock-outs 96

29. Penalty for breach of settlement or award 96

30. Penalty for disclosing confidential information 97

30-A. Penalty for closure without notice 98

31. Penalty for other offences 98

31-A. Compounding of offences 99

31A. Compounding of offences 101

CHAPTER VII MISCELLANEOUS 103

32. Offence by companies, etc. 103

33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings 103

33-A. Special provision for adjudication as to whether conditions of service, etc., changedduring pendency of proceedings 104

33-B. Power to transfer certain proceedings 105

33-C. Recovery of money due from an employer 105

34. Cognizance of offences 108

35. Protection of persons 108

36. Representation of parties 109

36-A. Power to remove difficulties 110
36-B. Power to exempt 110
36C. State Government's power to exempt: 110
36C. Power to exempt new industries in public interest 111
37. Protection of action taken under the Act 111
38. Power to make rules 111
39. Delegation of powers 113
40. Power to amend Schedules 113
THE FIRST SCHEDULE 114
THE SECOND SCHEDULE 120
THE THIRD SCHEDULE 121
THE FOURTH SCHEDULE 122
THE FIFTH SCHEDULE 122

THE INDUSTRIAL DISPUTES ACT, 1947

[ACT NO. 14 OF 1947]

[11th March 1947]

An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.

WHEREAS it is expedient to make provision for the investigation and settlement of industrial disputes, and for certain other purposes hereinafter appearing;

It is hereby enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement

(1) This Act may be called the Industrial Disputes Act, 1947.

(2) [1][It extends to the whole of India];

[2][* * * *]

(3) It shall come into force on the first day of April 1947.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context,

(a) "appropriate Government" means,

(i) in relation to any industrial dispute concerning [3][* * *] any industry carried on by or under the authority of the Central Government, [4][* * *] or by railway company [5][or concerning any such controlled industry as may be specified in this behalf by the Central Government] [6][* * *] or in relation to an industrial dispute concerning [7][[8][[9][[10][a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1940), or the [11][Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948), or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3-A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948(46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5-A and section 5-B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), [12][* * *], or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or [13][the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959)], or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961),

or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporations Act, 1964 (37 of 1964), or [14][the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994)], or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], [15][the National Housing Bank established under section 4 of the National Housing Bank Act, 1987 (53 of 1987), or [16][[17][an air transport service, or a banking or an insurance company, a mine, an oil-field] [18][, a Cantonment Board,] or a major port, any company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]

(ii) [19][in relation to any other industrial dispute, including the State public sector undertaking and autonomous bodies owned or controlled by the State Government, the State Government:

Provided that in case of a dispute between a contractor and the contract labour employed through the contactor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment;]

(aa) [20]["arbitrator" includes an umpire;]

(aaa) [21][[22]["average pay" means the average of the wages payable to a workman;

(i) in the case of monthly paid workman, in the three complete calendar months,

(ii) in the case of weekly paid workman, in the four complete weeks,

(iii) in the case of daily paid workman, in the twelve full working days, preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked;]

State Amendment--Rajasthan

In its application to the State of Rajasthan, after Cl. (aa) (now re-lettered as Cl. (aaa), insert the following new clauses, namely:

"(aaa) 'arbitration proceeding' means,

(i) any proceeding under Chapter III-A of this Act before an arbitrator,

(ii) any proceeding before an Industrial Tribunal in arbitration;

(aaaa) 'arbitrator' means an arbitrator to whom a dispute is referred for arbitration under the provisions of Chapter III-A of this Act and includes an umpire."— Rajasthan Act 34 of 1958, S. 3 (w.e.f. 1-7-1960).

State Amendment—West Bengal

In its application to the State of Rajasthan, after Cl. (aa) (now re-lettered as Cl. (aaa), insert the following new clauses, namely:

"(aaa) 'Authorised Officer' means Labour commissioner, additional labour commissioner, Joint Labour Commissioner, Deputy Labour commissioner, Assistant Labour Comissioner, or such other officers as may be authorised by the state government by notification in the official gazette- West Bengal Act 17 of 2007,S.3

(b) [23]["award" means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under section 10A;]

State Amendment—Rajasthan

In its application to the State of Rajasthan, in (b), for the words, figures and letter "under section 10-A", substitute "under Chapter III-A": Rajasthan Act 34 of 1958, S. 3 (w.e.f. 1-7-1960).

(bb) [24]["banking company" means a banking company as defined in section 5 of the Banking Companies Act, 1949 (10 of 1949)[25], having branches or other establishments in more than one State, and includes [26][the Export-Import Bank of India,] [27][the Industrial Reconstruction Bank of India] [28][* * *], [29][the Small Industries Development Bank of India established under section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989),] the Reserve Bank of India, the State Bank of India [30][a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), [31][a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), and any subsidiary bank]] as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);]

(c) "Board" means a Board of Conciliation constituted under this Act;

(cc) [32]["closure" means the permanent closing down of a place of employment or part thereof;]

State Amendments—Gujarat

In its application to the State of Gujarat, after Cl. (c), following clause, namely:

"(cc) 'closure' means the permanent closing down of a place of employment or part thereof:"—Gujarat Ordinance 6 of 1984 (w.e.f. 7-6-1984) which has been repealed by Gujarat Act 20 of 1984, S. 4 (w.e.f. 22-10-1984) see S. 4 of Gujarat Act 10 of 1984.

(d) "conciliation officer" means a conciliation officer appointed under this Act;

(e) "conciliation proceeding" means any proceeding held by a conciliation officer or Board under this Act;

(ee) [33]["controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;]

[34][* * *]

State Amendments—Gujarat

In its application to the State of Gujarat, after Cl. (a), insert the following clause, namely:

"(eee) 'Council' means a Joint Management Council for any industrial establishment constituted under section 3-A;"—Gujarat Act 21 of 1972, S. 6 (w.e.f. 20-1-1973).

State Amendments - Rajasthan

In its application to the State of, 'Rajasthan, after Cl. (eee) (now omitted), insert the following clause, namely;

"(eeee) 'member' means a person who is an ordinary member of a Union and who has paid a subscription of not less than four annas per month:

Provided that no person shall at any time be deemed to be member if his subscription is in arrears for a period of three months or more next preceding such time."—Rajasthan Act 34 of 1958, S.3 (w.e.f. 1-7-1960).

(f) "Court" means a Court of Inquiry constituted under this Act;

(g) "employer" means,

(i) in relation to an industry carried on by or under the authority of any department of [35][the Central Government or a State Government], the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;

(ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;

State Amendment—Rajasthan

In its application to the State of, 'Rajasthan, in Cl. (g), after sub-Cl. (ii), insert the following clause, namely:

"(iii) where the owner of any industry in the course of or for the purpose of conducting the industry contracts with any person for the execution by or under the contractor of the whole or any part of any work which is ordinarily a part of the industry, the owner of the industry, "Rajasthan Act 34 of 1958, S.3 (w.e.f. 1-7-1960).

(gg) [36]["executive", in relation to a trade union, means the body, by whatever name called, to which the management of the affairs of the trade union is entrusted;]

(h) [37][* * *]

(i) a person shall be deemed to be “independent" for the purpose of his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute:

[38][Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company;]

(j) [39]["industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workmen];

(k) “industrial dispute” means any dispute or difference between employers and employers, 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;

(ka) [40][“industrial establishment or undertaking” means an establishment or undertaking in which any industry is carried on:

Provided that where several activities are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries, then;

(a) if any unit of such establishment or undertaking carrying on any activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking;

(b) if the predominant activity or each of the predominant activities carried on in such establishment or undertaking or any unit thereof is an industry and the other activity or each of the other activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant activity or activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;]

(kk) [41]["insurance company" means an insurance company as defined in section 2 of the Insurance Act, 1938 (4 of 1938), having branches or other establishments in more than one State;]

(kka) [42]["khadi" has the meaning assigned to it in clause (d) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);]

(kkb)] [43][[44]["Labour Court" means a Labour Court constituted under section 7:]

(kkk) [45]["lay-off" (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or

the breakdown of machinery [46][or natural calamity or for any other connected reason] to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched.

Explanation: Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid- off only for one-half of that day:

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;]

State Amendments--Maharashtra

In its application to the State of Maharashtra, in S. 2, Cl. (kkk), after the words “the break-down of machinery", insert "or on account of discontinuance or reduction of the supply of power to the industrial establishment for contravention of any provisions of the Bombay Electricity (Special Powers) Act, 1946, or of any directions issued thereunder": Maharashtra Act 22 of 1981, S. 2 (w.e.f. 1-7-1981).

State Amendments - West Bengal

In its application to the State of West Bengal, in the Explanation to Cl. (kkk) of S. 2, for the words beginning with "Every workman" and ending with "so n presenting himself", the following shall be substituted, namely:

"No workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is given employment by the employer can be laid-off for that day but if any such workman is not given employment by the employer within two hours of his so presenting himself, he"—W.B. Act 37 of 1974, S. 3 ov.o.t, 26-8-1974).

(l) "lock-out" means the [47][temporary closing of a place of employment], or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him;

(l-a) [48]["major port" means a major port as defined in clause (8) of section 3 of the Indian Ports Act, 1908 (15 of 1908);

(l-b) "mine" means a mine as defined in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952 (35 of 1952);]

(ll) [49]["National Tribunal" means a National Industrial Tribunal constituted under section 7-B;]

(lll) [50]["office bearer", in relation to a trade union, includes any member of the executive thereof, but does not include an auditor;]

(m) "prescribed" means prescribed by rules made under this Act;

(n) "public utility service" means,

(i) any railway service [51][or any transport service for the carriage of passengers or goods by air;]

(ia) [52][any service in, or in connection with the working of, any major port or dock;]

(ii) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends;

(iii) any postal, telegraph or telephone service;

(iv) any industry which supplies power, light or water to the public;

(v) any system of public conservancy or sanitation;

(vi) any industry specified in the [53][First Schedule] which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time if in the opinion of the appropriate Government public emergency or public interest requires such extension;

State Amendment---Andhra Pradesh

In its application to the State of Andhra Pradesh,

(a) after sub-Cl. (v) of Cl. (n), insert the following, clause, namely:

"(v-a) any service in hospitals and dispensaries"—A.P. Act 22 of 1968, S.2 (w.e.f. 30-10-1963).

(b) In sub-Cl. (vi) of Cl. (n), the words "specified in the Schedule" shall be omitted: Andhra Act 12 of 1949.

(o) "railway company" means a railway company as defined in section 3 of the Indian Railways Act, 1890 (9 of 1890)[54];

(oo) [55]["retrenchment means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include,

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(bb) [56][termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or]

(c) termination of the service of a workman on the ground of continued ill-health;]

State Amendments---Rajasthan

In its application to the State of Rajasthan, after Cl. (oo), insert the following clauses, namely:

(ooo) 'Registrar' means the person for the time being appointed to be the Registrar of Unions under this Act and includes, in respect of such powers and duties of the Registrar as may be conferred and imposed on him, an Assistant Registrar of Unions;

(oooo) 'Representative Union' means a Union for the time being registered as a Representative Union under this Act. ---Rajasthan Act 24 of 1958, S. 3 (w.e.f. 1-7-1960).

State Amendments West Bengal

In its application to the State of West Bengal, in S. 2, in Cl. (oo),

(a)

(i) After the words "termination by the employer" insert "by notice or otherwise";

(ii) Sub-cl. (c) shall be omitted—W.B. Act 57 of 1980, S.3.

(b) Cl. (oo) shall be renumbered as Cl. (ooo) and before Cl. (ooo) so renumbered, insert the following clause, namely;

(oo) 'Recovery Officer' means any officer of the State Government who may be authorised by the State Government, by notification in

the Official Gazette, to exercise the power of the Recovery Officer under this Act."—West Bengal Act 17 of 2007, S.3.

(p) [57]["settlement" means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to [58][an officer authorised in this behalf by] the appropriate Government and the conciliation officer;]

(q) "strike" means a cessation of work by a body of persons employed in any industry acting in combination or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;

(qq) [59]["trade union" means a trade union registered under the Trade Unions Act, 1926 (16 of 1926);]

(r) [60]["Tribunal" means an Industrial Tribunal constituted under section 7A and includes an Industrial Tribunal constituted before the 10th day of March 1957, under this Act;]

(ra) [61]["unfair labour practice" means any of the practices specified in the Fifth Schedule;

(rb) "village industries" has the meaning assigned to it in clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);]

(rr) [62]["wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes;

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;

(iii) any travelling concession;

(iv) [63][any commission payable on the promotion of sales or business or both;] but does not include,

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service;]

State Amendment---Rajasthan

In its application to the State of Rajasthan, after Cl. (rr), insert the following clause, namely:

"(rrr) 'Union means a Trade Union of employees registered under the Indian Trade Unions Act, 1926 (Central Act 16 of 1926)." ---Rajasthan Act 34 of 1958, S.3 (w.e.f. 1-7-1960).

(s) [64]["workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person,

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding [65][ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

State Amendments---Gujarat

In its application to the State of Gujarat, in S. 2, Cl. (s), sub-Cl. (iv), for "five hundred", substitute "one thousand six hundred". —Gujarat Act 22 of 1981, S. 4 (w.e.f. 1-8-1981).

State Amendments - Rajasthan

In its application to the State of Rajasthan, in Cl. (s), after the words "employed in any industry", insert "by an employer or by a contractor in relation to the execution of his contract with such employer". —Rajasthan Act 34 of 1958, S. 3 (w.e.f. 1-7-1960).

State Amendments - Maharashtra

In its application to the State of Maharashtra, in sub-Cl. (iv) of Cl. (s) of S. 2, for the words "one thousand six hundred rupees", substitute "six thousand five hundred rupees". —Maharashtra Act 23 of 2006, S. 2.

State Amendments - West Bengal

In its application to the State of West Bengal, — (i) in sub-Cl. (iv) of Cl. (s) of S. 2, for the words "five hundred", substitute "one thousand ". ---W.B. Act 30 of 1980,

S. 3 (yet to be enforced). (ii) in Cl. (5), after the words "or supervisory work", insert "or any work for the promotion of sales,". —W.B. 'Act 33 of 1986, S. 53.

2-A. [66][Dismissal, etc., of an individual workman to be deemed to be an industrial dispute

(1) [67][Where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.]

(2) [68][Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall securing am have powers and jurisdiction to adjudicate upon the dispute, as dispute referred to it by the appropriate Government in accordance provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as Government specified in sub-section (1).]

State Amendment---Andhra Pradesh

In its application to the State of Andhra Pradesh, S. 2-A shall be renumbered as sub-S. (1) thereof and after sub-section, as so re-numbered, insert the following sub-section, namely;

"(2) Notwithstanding anything in section 10, any such workman as is specified in sub-section (1) may, make an application in the prescribed manner direct to the Labour Court for adjudication of the dispute referred to therein; and on receipt of such application, the Labour Court shall have jurisdiction to adjudicate upon any matter in the dispute, as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act; and accordingly all the provisions of this Act, shall apply in relation to such dispute as they apply in relation to any other industrial dispute."—A.P. Act 32 of 1987, S. 2 (w.e.f. 27-7-1987).

State Amendment---Tamil Nadu

In its application to the State of Tamil Nadu, S. 2-A shall be renumbered as sub-S. (1) thereof and after sub-section, as so renumbered; insert the following sub-section shall be inserted, namely:

"(2) Where no settlement is arrived at in the course of any conciliation proceeding taken under this Act in regard to an industrial dispuote referred to in sub-section (1), the aggrieved individual workman may apply, in the prescribed manner, to the

Labour Court for adjudication of such dispute and the Labour Court shall proceed to adjudicate such dispute, as if, such dispute has been referred to if for adjudication and accordingly all the provisions of this Act relating to adjudication of industrial disputes by the Labour Court shall apply to such adjudication.". —TN. Act 5 of 1988, S. 2 (w.e.f. 1-11-1988).

State Amendment---West Bengal

In its application to the State of West Bengal, in S. 2A,

(a) after the words "dismisses, retrenches", insert "refuses employment";

(b) after the words "dismissal, retrenchment", insert "refusal of employment". — W.B. Act 33 of 1989, S. 3.

State Amendment – Madhya Pradesh

(i) In Section 2-A, in sub-section (3), for the words ‘’ the Labour Court or Tribunal’’, the words ‘’ the Labour Court or tribunal or Conciliation Officer’’ shall be substituted;

(3) The application referred to in sub-section (2) shall be made to the [69][Labour Court or Tribunal or Conciliation officer] before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as Government specified in sub-section (1).]

State Amendment – Goa

(i) in sub-section (3), for the words “three years”, the words “one year” shall be substituted;

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of [70][one year] from the date of discharge, dismissal, retrenchment or otherwise termination of service as Government specified in sub-section (1).

(ii) after sub-section (3), the following sub-section shall be inserted, namely:

(4) [71][Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised before conciliation officer within a period of one year from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority as may be specified by the State Government may condone the delay beyond such period of one year if the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of one year.]

STATE AMENDMENT - PUNJAB

In the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in its application to the State of Punjab, in section 2A, after sub-section (3), the following sub-section (4) shall be added, namely:

(4) [72][Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised in conciliation proceeding within a period of three years from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority, as may be specified by the State Government, may consider to extend the said period of three years when the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of three years.]

STATE AMENDMENT – TRIPURA

In Section 2A of the 'Principal Act'),-

(i) in sub-section (3), the expression "three years' shall be substituted with the expression "one year".

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of [73][one years] from the date of discharge, dismissal, retrenchment or otherwise termination of service as Government specified in sub-section (1).]

(ii) after sub-section (3), the following new sub-section shall be inserted, namely :

(4) [74][Notwithstanding anything contained in subsection (1), (2) and (3), no such dispute or difference between that workmen and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall he deemed to be an industrial dispute if such dispute is not raised before conciliation officer Within a period of one year from the date of such discharge dismissal, retrenchment or termination:

Provided that an authority as may be specified by the State Government may condone the delay beyond such period of one year if the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of one year.]

STATE AMENDMENT – JAMMU AND KASHMIR

In Section 2A, in sub-section (3), for – "three years", substitute – "one year".

(1) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of [75][one years] from the date of discharge, dismissal, retrenchment or otherwise termination of service as Government specified in sub-section (1).]

CHAPTER II AUTHORITIES UNDER THIS ACT

3. Works Committee

(1) In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order

require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment so however that the number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926 (16 of 1926).

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

State Amendments---Gujarat

In its application to the State of Gujarat, after S. 3, insert the following new sections, namely:

"3-A. Joint Management Council

(1) If in respect of any industry, in relation to the industrial dispute in which the appropriate Government is the State Government, the State Government is of opinion that it is desirable in public interest to take action under this section, it may, in the case of all industrial establishments or any class of industrial establishments in such industry, in which five hundred or more workmen are employed or have been employed on any day in the preceding twelve months, by general or special order, require the employer to constitute in the prescribed manner and within the prescribe time limit a Joint Management Council consisting of such number of members as may be prescribed, comprised of representatives of employers and workmen engaged in the establishment, so however that the number of representatives of workmen on the Council shall not be less than the number of representatives of the employers. The representatives of the workmen on the Council shall be elected in the prescribed manner by the workmen engaged in the establishment from amongst themselves:

Provided that a list of industries in respect of which no order is issued under this sub-section shall be laid by the State Government before the State Legislature within thirty days from the commencement of its first Session of each year.

(2) One of the members of the Council shall be appointed as Chairman in accordance with rules made in this behalf.

3-B. Functions of the Council

(1) The Council shall be charged with the general duty to promote and assist in the management of the industrial establishment in a more efficient, orderly and economical manner, and for that purpose and without prejudice to the generality of the foregoing provision, it shall be the duty of the Council,

(a) to promote cordial relations between the employer and employees;

(b) to build up understanding and trust between them;

(c) to promote measures which lead to substantial increase in productivity;

(d) to secure better administration of welfare measures and adequate safety

(e) to train the employees in understanding the responsibilities of management of the undertaking and in sharing such responsibilities to the extent considered feasible; and

(f) to do such other things as may be prescribed.

(2) The Council shall be consulted by the employer on all matters relating to the management of the industrial establishment specified in sub-section (1) and it shall be the duty of the Council to advise the employer on any matter so referred to it.

(3) The Council shall be entrusted by the employer with such administrative functions appearing to be connected with, or relevant to, the discharge by the Council of its duties under this section as may be prescribed.

(4) It shall be the duty of the employer to furnish to the Council necessary information relating to such matters as may be prescribed for the purpose of enabling it to discharge its duties under this Act.

(5) The Council shall follow such procedure in the discharge of its duties as may be prescribed,"—Gujarat Act 21 of 1972, S. 7 (w.e.f. 20-1-1973).

State Amendment---Maharashtra

In its application to State of Maharashtra, in S. 3, to sub-S. (1), add the following proviso, namely:

“Provided that, where there is a recognised union for any undertaking under any law for the time being in force, then the recognised union shall appoint its nominees to represent the workmen who are engaged in such undertaking.

Explanation: In the proviso to sub-section (1), the expression ‘undertaking includes an establishment: Maharashtra Act 1 of 1972, S.20(w.e.f. 8-9-1975).

State Amendment---Rajasthan

In its application to the State of Rajasthan, after S. 3, insert the following, S. new section, namely:

"3-A. Registrar and Assistant Registrar

(1) The State Government shall, by notification in the Official Gazette, appoint a person to be the Registrar of Unions for the it purposes of this Act for the whole of the State.

(2) The State Government may, by similar notification, appoint a person to be the Assistant Registrar of Unions for any local area and may, by general or special order, confer on such person all or any of the powers of the Registrar of Unions under this Act."— Rajasthan Act 34 of 1958, S. 4 (w.e.f. 1-7-1960).

4. Conciliation officers

(1) The appropriate Government may, by notification in the Official Gazette, appoint such number of persons as it thinks fit, to be conciliation officers, charged with the duty of mediating in and promoting the settlement of industrial disputes.

(2) A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period.

5. Boards of Conciliation

(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

(2) A Board shall consist of a chairman and two or four other members, as the appropriate Government thinks fit.

(3) The chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make a recommendation as aforesaid within the prescribed time, the appropriate Government shall appoint such persons as it thinks fit to represent that party.

(4) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that if the appropriate Government notifies the Board that the services of the chairman or of any other member have ceased to be available, the Board shall not act until a new chairman or member, as the case may be, has been appointed.

6. Courts of Inquiry

(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Court of Inquiry for inquiring into any matter appearing to be connected with or relevant to an industrial dispute.

(2) A Court may consist of one independent person or of such number of independent persons as the appropriate Government may think fit and where a Court consists of two or more members, one of them shall be appointed as the chairman.

(3) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that, if the appropriate Government notifies the Court that the services of the chairman have ceased to be available, the Court shall not act until a new chairman has been appointed.

7. [76][Labour Courts

(1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Labour Courts for the adjudication of industrial disputes relating to any matter specified in the Second Schedule and for performing such other functions as may be assigned to them under this Act.

(2) A Labour Court shall consist of one person only to be appointed by the appropriate Government.

(3) A person shall not be qualified for appointment as the presiding officer of a Labour Court, unless;

(a) [77][he is, or has been, a Judge of a High Court; or

(b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

(c) [78][* * *]]

(d) [79][he has held any judicial office in India for not less than seven years; or

(e) [80][he has been the presiding officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years.

(f) [81][he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years' experience in the Labour department including three years of experience as Conciliation Officer:

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or the State Government before being appointed as the presiding officer; or

(g) he is an officer of Indian Legal Service in Grade III with three years' experience in the grade.]

State Amendments---Andaman and Nicobar Islands

In its application to the Union territory of Andaman and Nicobar, in Cl. (a) [now re-lettered as Cl. (d)1., for "seven-year substitute "three years". —Regulation 6 of 1964, S. 2 (w.e.f. 29-4-1964).

State Amendments---Goa

In its application to the State of Goa, S 7 sub-S. (3), after Cl. (d), insert the m allowing clauses, namely:

(d-1) he has practised as an advocate or attorney for not less than seven years in a High Court or in two or more such Courts in succession, or any Court subordinate thereto, or any Industrial Court or Tribunal or Labour Court constituted under any law for the time ring in force; or

(d-2) he holds a degree in law of a university established hi law in arty part of India or re equivalent degree and is holding or has held an office not loin rank than that of Deputy Registrar of an Industrial Court or Tribunal or Labour Court constituted under vie for the time being in force for not less than five years; or

(d-3) he holds a degree in law of a university established by law in any part of India or an equivalent degree and is holding or has held an office not lower in rank than that of Deputy Commissioner of Labour under a State Government or a Union territory administration for not less than five years; or”—Goa Act 5 of 1987, S. 2 (w.e.f. 21-10-1987).

State Amendments---Gujarat

In its application to the State of Gujarat, in S. 7, sub-S. (3),

(i) in Cl. (b), after the words "Additional District Judge, insert or joint Judge or an Assistant Judge;

(ii) in Cl. (d), for the words “seven years” substitute “five years”;

(iii) in Cl. (e), for the words "five years", substitute "three years" and add “or” at the end;

(iv) after Cl.(e) add the following clause, namely:

“(f) he has practiced as an advocate or attorney for not less than seven years in a High Court or any Court subordinate thereto or in any Industrial Court or Industrial Tribunal or Labour Court constituted under any law for the time being in force.”—Gujarat Act 28 of 1977, S.2 (w.e.f 13-10-1977).

State Amendments---Haryana

In its application to the State of Haryana,

(i) in sub-S. (3), for Cl. (h), substitute the following clause, namely:

“(b) he is qualified for appointment as is or has been, a District Additional District Judge or; and"—Haryana Act 39 of 1976, S. 2 (w.e.f. 12-8-1976).

(ii) after Cl. (c), insert the following clause, namely:

"(cc) he has been a Commissioner of a division or an Administrative Secretary to Government or an officer of the Labour Department not below the rank of a joint Labour Commissioner for a period of not less than two years; or."—Haryana Act 39 of 1979, S. 2 (w.e.f. 12-8-1976).

State Amendments--- Maharashtra

In its application to the State of Maharashtra,

(i) in S. 7(3), after Cl. (d), insert the following clauses, namely:

“(d-1) he has practised as an advocate or attorney for not less than seven years in High Court, or any Court subordinate thereto, or any Industrial Court

or Tribunal or Labour Court, constituted under any law for the time being in force; or

(d-2) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower in rank them that of Deputy Registrar of any such Industrial Court or Tribunal for not less than five years; or."-Maharashtra Act 56 of 1974, S. 2.

(ii) after clause (d-2), insert the following clause, namely:

"(d-3) he holds a degree in law of a university established by law in any part (or Joint India and is holding or has held an office not lower than that of Assistant Commissioner of Labour under the State Government for not less than five years; or."—Maharashtra Act 22 of 1976, S. 2 (w.e.f. 27-5-1976).

State Amendments---Madhya Pradesh

In its application to the State of Madhya Pradesh, after sub-S. (1), insert the following sub-section, namely:

"(1-A) In addition to the functions specified in sub-section (1), the labour Court shall try offences punishable, under this Act specified the Acts specified in Part B of the Second Schedule. --M.P. Act 43 of 1981, S. 3 (w.e.f. 26-1-1982).

State Amendments---Punjab, Haryana and Chandigarh

In its application to the States of Punjab and Haryana and Union Territory of Chandigarh,

At the end of Cl. (6) of sub-S. (3), add the word "or" and the following new clauses namely:

"(c) he is or has been a District Judge; or

(d) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, or of any Tribunal for a period not less than two years"—Punjab Act 8 of 1957, S. 2 (w.e.f. 3-6-1957) and Central Act 31 of 1966, S.88 (w.e.f. 1-11-1966).

State Amendments---Uttar Pradesh

In its application to the State of Uttar Pradesh,

(i) after sub-S. (3), add the following sub-section, namely:

"(3-A) In relation to industrial disputes other than that referred to in sub-clause (i) of clause (a) of section 2 or in section 4 of the Industrial Disputes (Banking and Insurance Companies) Act, 1949, the provisions of sub-section (3) shall have effects as if,

(a) after clause (c), the following new clauses (d) and (e) have been added,

"(d) is or has been a Magistrate of the class for period exceeding two years;

(e) is a person possessing more than two years' practical experience of adjudicating or setting industrial disputes";

(ii) in the proviso after the words "clause (b)", add "or clause (d) or clause (e)"--U.P. Act of 1951, S. 2 (w.e.f. 26-6-1951).

State Amendments---West Bengal

In its application to the State of West Bengal,

(i) for Cl. (b), substitute the following clause, namely:

"(b) he is, or has been a District Judge or an Additional District Judge; or."—W.B. Act 35 of 1989, S. 3 (w.e.f. 22-1-1990).

(ii)

(1) for Cl. (e), substitute the following clause, namely:

(e) he has been the Presiding Officer of a Labour Court constituted under any provincial Act or State Act for not less than five years; or";

(2) after CL (e), insert the following clauses, namely:

(f) he has practiced as an advocate for not less than seven years in a High Court or in any Court subordinate thereto or in any Industrial Court of Industrial Tribunal or Labour Court constituted under any law for the time being in force and is selected by the State Public Service Commission; or

(g) he holds a degree in law of a University established by law in any part of India and is holding or has held an office not below the rank of Deputy Labour Commissioner under the State Government for not less than three years and is selected by the State Public Service Commission."—W.B. Act 26 of 2008, S. 3.

7-A. Tribunals

(1) The appropriate Government may, by notification in the Official Gazette, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule [82][and for performing such other functions as may be assigned to them under this Act].

(2) A Tribunal shall consist of one person only to be appointed by the appropriate Government.

(3) A person shall not be qualified for appointment as the presiding officer of a Tribunal unless,

(a) he is, or has been, a Judge of a High Court; or

(aa) [83][he has, for a period of not less than three years, been a District Judge or an Additional District Judge; [84][*]].

(b) [85][he is or has been a Deputy Chief Labour Commissioner (Central) or joint Commissioner of the State Labour Department having a degree in taw and at least seven years 'experience in the labour department including three Years of experience as Conciliation Officer:

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or

(c) he is an officer of Indian Legal Service in Grade III with three years' experience in the grade.]

(4) The appropriate Government may, if it so thinks fit, appoint two persons as assessors to advise the Tribunal in the proceeding before it.

State Amendments---Andaman and Nicobar Islands

In its application to the Union territory of Andaman and Nicobar, for Cl. (aa) of sub-S. (3) of S. 7-A, substitute the following clause, namely:

"(aa) he is, or has been, or is qualified to be, a District Judge or an Additional District Judge". —Regulation 1 of 1985.

State Amendments---Assam

In its application to the State of Assam, after Cl. (a) of sub-S. (3) of S. 7-A, insert the following clause, namely:

"(aa) he has worked as a District Judge or as an Additional District Judge or as both for a total period of not less than three years or is qualified for appointment as a Judge of High Court:

Provided that the appointment to a Tribunal of any person qualified under this clause shall not be made without consultation with the Assam High Court; or—Assam Act (8 of 1962, S. 2 (w.e.t. 30-4-1962).

State Amendments---Bihar

In its application to the State of Bihar, after Cl. (a) of sub-S. (3) of S. 7-A, insert the following clause, namely:

"(aa) he has worked as a District Judge or as an Additional District Judge or as both a total period of not less than three years:

Provided that the appointment to a Tribunal of any person qualified under shall be made in consultation with the High Court of the State in which the Tribunal has or is intended to have, its usual place of sitting; or."—Bihar Act 20 of 1959, S.2 (w.e.f. 7-7-1959).

State Amendments--- Gujarat

In its application to the State of Gujarat, in S. 7-A, sub-S. (3),

(i) in Cl. (aa), after the words "art Additional District Judge", insert 'or a Joint Judge or Assistant Judge";

(ii) in Cl. (b), add the word "or" at the end;

(iii) after Cl. (b), add the following clause, namely:

"(c) he has for the less than five years been the presiding officer of a Labour constituted under any law for the time being in force." ---Gujarat Act 28 of1977, S. 3 (yet be enforced).

(iv) after Cl. (c), add the following clause, namely;

(d) he holds a degree in law of a University established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner Labour under the State Government for not less than ten years, ---Gujarat Act 22 of 1981, S. 5 (w.e.f. 1-8-1981).

State Amendments---Goa

In its application to the State of Goa, in S. 7-A, sub-S. (3), for Cl. (aa), substitute the following clauses, namely:

"(b) he is, or has been, a District Judge; or

(c) he has, for a period of not less than three years, been an Additional District or an Additional District Judge; or";

(d) he is qualified for appointment as a Judge of the High Court."—Goa Act 5 of]9g7: S. 3 (w.e.f. 21-10-1987).

State Amendments---Haryana

In its application to the State of Haryana, in sub-S. (3), S. 7-A,

(i) after Cl. (aa), substitute the following clause, namely:

“(aa) he is qualified for appointment as, is or has been a District Judge or an Additional District Judge; or”; and

(ii) after Cl. (aa), insert the following clause, namely:

“(aaa) he has been a Commissioner of a division or an Administrative Secretary Government or an officer of the Labour Department not below the rank of a Joint Lao Commissioner for a period of not less than two years; or." Haryana Act 39 of 1976, S.

(w.e.f. 12-8-1976).

State Amendments---Kerala

In its application to the State of Kerala, in sub-S. (3), for Cl. (a), substitute the following clause, namely:

“(a) he is, or has been, a judicial officer not below the rank of a District Judge, or is qualified for appointment as a Judge of a High Court; or."— Kerala Act 28 of 1961, S.2 (w.e.f. 27-7-1961).

State Amendments--Madhya Pradesh

In its application to the State of Madhya Pradesh, in S. 7-A, for sub-S. (3), substitute the following sub-section, namely:

"(3) A person shall not be qualified for appointment as the presiding officer of Tribunal unless,

(a) he is, or has been, a Judge of a High Court; or

(b) he is eligible for being appointed a Judge of a High Court; or

(c) he has worked as President of the Board of Revenue; or

(d) he has worked as a member of the Board of Revenue for a period of not less than three years; or

(e) he has worked as commissioner of labour for a period of not less than 3 years; or

(f) he has worked as a member of the Industrial Court constituted under section 9 of the Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960) for a period of not less than five years." M.P. Act 19 of 1988, S. 3 (w.e.f. 15-1-1989).

State Amendments-Maharashtra

In its application to the State of Maharashtra, in sub-S. (3) of S. 7-A,

(i) in Cl. (a), after the words "Judge of the High Court", insert "or a District Judge or a person qualified for appointment as a judge of a High Court", insert “or a District Judge or a person qualified for appointment as a of a High Court”. —Maharashtra Act 2 of 1963, S. 2 (w.e.f. 4-1-1963).

(ii) in Cl. (aa), for the words "an Additional District Judge", substitute” an Additional District Judge or an Assistant Judge; or".

(iii) after Cl. (b), insert the following clause, namely:

"(c) he has for not less than five years been a; presiding officer of a Labour Court, constituted under any law for the time being in force."--Maharashtra Act 56 of 1974, S. 3.

(iv) after Cl. (c), insert the following clause, namely:

“(d) he holds a degree in law of a University established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner of Labour under the State Government for not less than ten years. " Maharashtra Act 22 of 1976, S. 3.

State Amendments- Mysore Karnataka

In its application to the State of Mysore (Karnataka),

(1) after Cl. (a) of sub-S. (3) insert the following clause, namely:

“(aa) he has, or has been, a District Judge; or"—Mysore Act 6 of 1963, S. 2 (w.e.f. 31-1-1963).

(2) in Cl. (aa), as inserted by Mysore Act 6 of 1963, after the words "District Judge", insert "for a period of not less than three years."—Mysore Act 25 of 1963, S. 2 (w.e.f. 12-12-1963).

State Amendments-Orissa

In its application to the State of Orissa, after Cl. (n) of sub-S. (3) of S. 7-A, insert the following clause, namely:

“(aa) he has been a member of the Orissa Superior Judicial Service for a period of not less than seven years."—Orissa Act 6 of 1960; S. 2 (w.e.f. 17-2-1960).

State Amendments-West Bengal

In its application to the State of West Bengal, in sub-S. (3) of S. 7-A,

(i) in. Cl. (a), after the words "High Court", insert "or a District Judge or an Additional District Judge". —W.B. Act 17 of 1958, S. 3 (w.e.f. 22-9-1958).

(ii)(1) for Cl. (aa), substitute the following clause, namely:

"(aa) he has, for the period of not less than three years, been a District Judge or an Additional District Judge; or;";

(2) after Cl. (aa), insert the following clauses, namely:

"(aaa) he has' practiced as an advocate for not less than ten years in a High Court or in any Court subordinate thereto or in any Industrial Court or Industrial Tribunal or Labour Court constituted under any law for the time being in force and is selected by the State Public Service Commission; or

(aaaa) he holds a degree in law of a University established by law in any part of India and holding or has held an office not below the rank of Joint Labour Commissioner for not less than three years and is selected by the State Public Service Commission." W.B. Act 26 of 2008, S. 4.

7-B. National Tribunals

(1) The Central Government may, by notification in the Official Gazette, constitute one or more National Industrial Tribunals for the adjudication of industrial disputes which, in the opinion of the Central Government, involve questions of national importance or are of such a nature that industrial establishment situated in more than one State are likely to be interested in, or affected by, such disputes.

(2) A National Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the presiding officer of a National Tribunal [86][unless he is, or has been, a Judge of a High Court].

(4) The Central Government may, if it so thinks fit, appoint two persons as assessors to advise the National Tribunal in the proceeding before it.

7-C. Disqualifications for the presiding officers of Labour Courts, Tribunals and National Tribunals

No person shall be appointed to, or continue in, the office of the presiding officer of a Labour Court, Tribunal or National Tribunal, if;

(a) he is not an independent person; or

(b) he has attained the age of sixty-five years.]

State Amendments---Assam

In its application to the State of Assam, to Cl. (b) of S. 7-C, add the following proviso, namely:

"Provided that where such presiding officer of a Tribunal appointed by the State Government attains the age of sixty-five years before the completion of any proceedings pending before him, the State Government may, if in the opinion of such Government public interest so requires, order his continuance in office for a period not exceeding six

months for completion of the proceedings."—Assam Act 3 of 1962, S. 3 (w.e.f. 30-4-1962).

State Amendments---Madhya Pradesh

In its application to the State of Madhya Pradesh, to Cl. (b) of S. 7-C, add the following proviso, namely:

"Provided that a person appointed to the office of the Presiding Officer of a Tribunal may continue in such office till he attains the age of sixty-seven years. M.P. Act 3 of 2007, S. 3.

State Amendments---Punjab, Haryana and Chandigarh

In its application to the States of Punjab and Haryana and the Union territory of Chandigarh, for Cl. (b), substitute the following clause, namely:

"(b) he has attained the age of sixty-seven years." Punjab Act 8 of 1957, S. 3 (w.e.f. 3-6-1957) and Central Act 31 of 1966, S. 88.

State Amendments---West Bengal

(i) Same as that of Assam. --W.B. Act 11 of 1959, S. 3 (w.e.f. 27-10-1959).

(ii) after the proviso, add the following proviso, namely:

"Provided further that the age of superannuation and the conditions of the service of the Presiding Officer of a Labour Court appointed under clauses (f) and (g) of sub-section (3) of section 7 and of the Presiding Officers of a Tribunal appointed under clauses (aaa) and (aaaa) of sub-section (3) of section 7-A shall be such as may be prescribed." W.B. Act 26 of 200$, S. 5.

Section 7-D

State Amendments---Gujarat

In its application to the State of Gujarat, after S. 7-C, insert the following section, namely:

"7-D. Certain District Judges qualified for appointment on Tribunal constituted by State Government. —Notwithstanding anything contained in sub-section (1) of section 7-A

(1) the State Government may constitute an Industrial Tribunal under that sub-section for performing such other functions as may be assigned to it under this Act;

(2) where the State Government constitutes a Tribunal under section 7-A, the Tribunal may consist of a person who is, or has been, for a period of not less than 5 years, a District Judge or an Additional or Joint District Judge and notwithstanding anything contained in sub-section (3) of section 7-A but subject to section 7-C, such person shall be deemed to be qualified for appointment as the presiding officer of the Tribunal;

(3) the appointment of a person qualified under clause (2) shall be made after consultation with the I sigh Court. —Gujarat Act 22 of 1962, S. 2 (w.e.f. 9-8-1962).

8. [87][Filling of vacancies

If, for any reason a vacancy (other than a temporary absence) occurs in the office of the presiding officer of a Labour Court, Tribunal or National Tribunal or in the office

of the chairman or any other member of a Board or Court, then, in the case of a National Tribunal, the Central Government and in any other case, the appropriate Government, shall appoint another person in accordance with the provisions of this Act to fill the vacancy, and the proceeding may be continued before the Labour Court, Tribunal, National Tribunal, Board or Court, as the case may be, from the stage at which the vacancy is filled.

9. Finality of orders constituting Boards, etc.

(1) No order of the appropriate Government or of the Central Government appointing any person as the chairman or any other member of a Board or Court or as the presiding officer of a Labour Court, Tribunal or National Tribunal shall be called in question in any manner; and no act or proceeding before any Board or Court shall be called in question in any manner on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Board or Court.

(2) No settlement arrived at in the course of a conciliation proceeding shall be invalid by reason only of the fact that such settlement was arrived at after the expiry of the period referred to in sub-section (6) of section 12 or sub-section (5) of section 13, as the case may be.

(3) Where the report of any settlement arrived at in the course of conciliation proceeding before a Board is signed by the chairman and all the other members of the Board, no such settlement shall be invalid by reason only of the casual or unforeseen absence of any of the members (including the chairman) of the Board during any stage of the proceeding.]

[88][CHAPTER II-A NOTICE OF CHANGE

9-A. Notice of change

No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice:

Provided that no notice shall be required for effecting any such change,

(a) where the change is effected in pursuance of any [89][settlement or award]; or

(b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

State Amendments---Andhra Pradesh

In its application to the State of Andhra Pradesh, in Cl. (b), for the words "within twenty-one days", substitute "within forty-two days". —A.P. Act 32 of 1987, S. 3 (w.e.f. 27-7-1987).

State Amendments -Maharashtra

In its application to the State of Maharashtra, in S. 9-A in the proviso,

(a) in Cl. (b), the word"; or" shall be added at the end;

(b) after Cl. (b), the following clause shall be added, namely:

"(c) where the change is effected due to updating or replacing of the existing machinery, computerisation or increase in the immovable property and increase in production and that,

(i) such change shall not effect the total wages of the workmen and their hours of work; and

(ii) the employer provides all the legitimate and required facilities such as trainings, etc., to the workmen to acquire the skill of new job". —Maharashtra Act 23 of 2006, S.3.

State Amendments -West Bengal

In its application to. the State of West Bengal, in Cl. (b) of S. 9-A, for the S. 3. words "within twenty-one days `, substitute, "within forty-two days". W.B Act 57 of 1980, S. 4.

S. 9-A is applicable to educational institutions established and administered by, minorities which are protected by Cl. (1) of Art. 30 of the Constitution: C.M.C.H., Employees Union v. C.M. College, Vellore Assocn. A.I.R. 1988 S.C. 37.

Retrenchment of a workman does not amount to a change in the conditions of his service; it fails under item 10 of the Third Schedule and not under any item of the Fourth Schedule; S. 9-A is, thus, not attracted in cases of retrenchment: Khotton V. Mohd. Yamin A.I.R. 1982 S.C. 853.

Effect of non-compliance of S. 9-A of the industrial Disputes Act renders the change in conditions of service void ab initio: Lokmat Newspapers Pvt. Lid. v. Shankarprasad 1999 S.C. 2423: (1999) 6 S.C.C. 275.

9-B. Power of Government to exempt

Where the appropriate Government is of opinion that the application of the provisions of section 9A to any class of industrial establishments or to any class of workmen employed in any industrial establishment affect the employers in relation thereto so prejudicially that such application may cause serious repercussion on the industry concerned and that public interest so requires, the appropriate Government may, by notification in the Official Gazette, direct that the provisions of the said section shall not apply or shall apply, subject to such conditions as may be specified in the notification, to that class of industrial establishments or to that class of workmen employed in any industrial establishment.

[90][CHAPTER II-B GRIEVANCE REDRESSAL MACHINERY

9-C. Setting up of Grievance Redressal Machinery

(1) Every industrial establishment employing twenty or more workmen shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances.

(2) The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen.

(3) The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.

(4) The total number of members of the Grievance Redressal Committee shall not exceed more than six:

Provided that there shall be, as far as practicable, one-woman member if the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.

(5) Notwithstanding anything-contained in this section, Grievance Redressal Committee shall not affect the right of the workman to raise industrial dispute on the same matter under the provisions of this Act.

(6) The Grievance Redressal Committee may complete its proceedings within thirty days on receipt of a written application by or on behalf of the aggrieved party.

(7) The workman who is aggrieved of the decision of the Grievance Redressal Committee may refer an appeal to the employer against the decision of Grievance Redressal month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the workman concerned.

(8) Nothing contained this section shall apply to the workmen for whom there an established Grievance Redressal Mechanism in the establishment concerned.]

State Amendment—Rajasthan

In its application to the State of Rajasthan, after S. 9-B, insert the following new Chapter, namely:

CHAPTER II-B REGISTRATION OF UNIONS

9-C. Maintenance of register

It shall be the duty of the Registrar to maintain in such form as may be prescribed a register of Unions registered by him under the provisions of this Act.

9-D. Application for registration

Any Union which has for the whole of the period of [at immediately preceding the calendar month in which it so applies] under this section a membership cent of the total

number of workmen employed in unit of an industry may apply prescribed form to the Registrar for registration as a representative Union.

9-E. Registration of Union

(1) On receipt of an application from a Union for registration under section 9-D and on payment of the fee prescribed, the Registrar shall, if, after holding such inquiry as he deems fit, he comes to the conclusion that the conditions requisite for registration specified in the said section are satisfied and that the Union is not otherwise disqualified for registration, enter the name of the Union in the appropriate register maintained under section 9-C and issue a certificate of registration in such form as may be prescribed:

Provided that,

(i) where two or more Unions fulfilling the conditions necessary for registration under this Act apply for registration in respect of the same unit of an industry, the Union having the largest membership of employees employed in the unit of the industry shall be registered; and

(ii) the Registrar shall not register any Union if he is satisfied that the application for its registration is not made bona fide in the interest of the workmen but is made in the interest of the employers to the prejudice of the interest of the workmen.

(2) Once a Union has been registered as a representative Union under the Act, the registration of the Union shall be held valid for a period of two years from the date of its registration and shall continue to hold valid unless the registration is cancelled under section 9-F of this Act or another Union is registered in its place according to section 9-G of this Act.]

9-F. Cancellation of registration

The Registrar shall cancel the registration of a Union,

(a) if, after holding such inquiry, if any, as he deems fit, he is satisfied;

(i) that it was registered under mistake, misrepresentation or fraud; or

(ii) that the membership of the Union has, for a continuous period of three months, [at any time after two years from the date of its registration,] fallen below the minimum required under section 9-D for its registration:

Provided that where a strike or a closure not being an illegal strike or closure under this Act in a unit of industry involving more than one-third of the workmen in the unit of the industry has extended to a period exceeding fourteen days in any calendar month, such month shall be excluded in computing the said period of three months:

Provided further that the registration of a Union shall not be cancelled under the provisions of this sub-clause unless its membership at the time of the cancellation is less than such minimum; or

(iii) that the registered union is being conducted not bona fide in the interests of workmen but in the interests of employers to the prejudice of the interests of workmen; or

(iv) that it has instigated, aided or assisted the commencement or continuance of an illegal strike;

(b) if its registration under the Indian Trade Unions Act, 1926, is cancelled.

9-G. Registration of another Union in place of existing registered Union

(1) If [* * *] any Union (hereinafter in this section referred to as "applicant Union") makes an application to the Registrar for being registered in place of the Union (hereinafter in this section referred to as "representative Union ') for a unit of an industry [at any time after a lapse of two years from the date of registration of the representative Union] on the ground that it has a larger membership of workmen employed in such unit of the industry, the Registrar shall call upon the representative Union by a notice in writing to show cause within one month of the receipt of such notice why the applicant union should not be registered in its place. An application made under this sub-section shall be accompanied 1py such fee as may be prescribed.

(2) The Registrar shall forward to the Labour Commissioner of the State Government a copy of the said application and notice.

(3) If, on the expiry of the period of notice under sub-section (1) and after holding such inquiry as he deems fit, the Registrar comes to the conclusion that the applicant Union complies with the conditions necessary for registration specified in section 9-D and that its membership was during the whole of the period of [at least three months during the period of six months immediately preceding the calendar month in which it so applies] under this section larger than the membership of the representative Union, he shall, subject to the provisions of section 9-D, register the applicant Union in place of the representative Union.

(4) Every application made under this section shall be published in the prescribed manner not less than fourteen days before the expiry of the period of notice under sub-section (1).

9-H. Application for re-registration

(1) Any Union the registration of which has been cancelled on the ground it was registered under a mistake or on the ground specified in sub-clause (ii) of clause (a) of section 9-F may at any time after three months from the date of such cancellation and on payment of such fees as may be prescribed, apply for re-registration. The provisions of sections 9-D and 9-E shall apply in respect of such application.

(2) A Union, the registration of which has been cancelled on any other ground shall not, save with the permission of the State Government, be entitled to apply for re-registration.

9-I. Appeal to Industrial Tribunal from order of Registrar

(1) Any party to a proceeding before the Registrar may, within thirty days from the date of an order passed by the Registrar, under this Chapter, appeal against such order to the Industrial Tribunal:

Provided that the Industrial Tribunal may, for sufficient reason, admit any appeal made after the expiry of such period.

(2) The Industrial Tribunal may admit an appeal under sub-section (1) if on a perusal of the memorandum of appeal and the decision appealed against it finds that the decision is contrary to law or otherwise erroneous.

(3) The Industrial Tribunal in appeal may confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Tribunal shall be sent to the Registrar.

9-J. Publication of orders

Every order passed under section 9-E or section 9-F or section 9-G and every order passed in appeal under section 9-I shall he published in the prescribed manner". — Rajasthan Act 34 of 1958, S. 5 (w.e.f. 1-7-1960) as amended by Rajasthan Act 14 of 1970, S. 5 (w.r.e.f. 26-2-1970), which amended sections 9-D, 9-E, 9-F and 9- (The amendments made by the latter Act are indicated within square brackets).

CHAPTER III REFERENCE OF DISPUTES TO BOARDS, COURTS OR TRIBUNALS

10. Reference of disputes to Boards, Courts or Tribunals

(1) [91][Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time], by order in writing,

(a) refer the dispute to a Board for promoting a settlement thereof; or

(b) refer any matter appearing to be connected with or relevant to the dispute to a Court for inquiry; or

(c) [92][refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or

(d) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified, in the Second Schedule or the Third Schedule, to a Tribunal for adjudication:

Provided that where the dispute relates to any matter specified in the Third Schedule and is not likely to affect more than one hundred workmen, the appropriate Government may, if it so thinks fit, make the reference to a Labour Court under clause (c):]

[93][Provided further that] where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub- section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced:

[94][Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that

Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government;]

(1-A) [95][Where the Central Government is of opinion that any industrial dispute exists or is apprehended and the dispute involves any question of national importance or is of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute and that the dispute should be adjudicated by a National Tribunal, then, the Central Government may, whether or not it is the appropriate Government in relation to that dispute, at any time, by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a National Tribunal for adjudication.]

(2) Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court [96][Labour Court, Tribunal or National Tribunal], the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly.

(2-A) [97][An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government:

Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:

Provided also that in computing any period specified in this sub- section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded:

Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed.]

(3) Where an industrial dispute has been referred to a Board, [98][Labour Court, Tribunal or National Tribunal] under this section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence on the date of the reference.

(4) [99][Where in an order referring an industrial dispute to [100][a Labour Court, Tribunal or National Tribunal] under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, [101][the Labour

Court or the Tribunal or the National Tribunal, as the case may be] shall confine its adjudication to those points and matters incidental thereto.

(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a [102][Labour Court, Tribunal or National Tribunal] under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments.]

(6) [103][Where any reference has been made under sub-section (1A) to a National Tribunal, then notwithstanding anything contained in this Act, no Labour Court or Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal, and accordingly,

(a) if the matter under adjudication before the National Tribunal is pending in a proceeding before a Labour Court or Tribunal, the proceeding before the Labour Court or the Tribunal, as the case may be, in so far as it relates to such matter, shall be deemed to have been quashed on such reference to the National Tribunal; and

(b) it shall not be lawful for the appropriate Government to refer the matter under adjudication before the National Tribunal to any Labour Court or Tribunal for adjudication during the pendency of the proceeding in relation to such matter before the National Tribunal.

[104][Explanation: In this sub-section, "Labour Court" or "Tribunal" includes any Court or Tribunal or other authority constituted under any law relating to investigation and settlement of industrial disputes in force in any State.]

(7) Where any industrial dispute, in relation to which the Central Government is not the appropriate Government, is referred to a National Tribunal, then notwithstanding anything contained in this Act, any reference in section 15, section 17, section 19, section 33A, section 33B and section 36A to the appropriate Government in relation to such dispute shall be construed as a reference to the Central Government but, save as aforesaid and as otherwise expressly provided in this Act, any reference in any other provision of this Act to the appropriate Government in relation to that dispute shall mean a reference to the State Government.]

(8) [105][No proceedings pending before a Labour Court, Tribunal or National Tribunal in relation to an industrial dispute shall lapse merely by reason of the death of any of the parties to the dispute being a workman, and such Labour Court, Tribunal or National Tribunal shall complete such proceedings and submit its award to the appropriate Government.]

State Amendments—Andhra Pradesh

In its application to the State of Andhra Pradesh, in S. 10, after sub-S. (2), insert the following sub-section, namely:

"(2-A) Notwithstanding anything contained in sub-sections (1) and (2), where a Tribunal has been constituted under this Act for the adjudication of dispute in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workmen concerned may refer the dispute to that Tribunal". — Andhra Pradesh Act 12 of 1949.

State Amendments—Delhi

In S. 10, after sub-S. (4), insert the following sub-section, namely:

"(4-A) Notwithstanding anything contained in section 9-C and in this section, in the case of a dispute failing within the scope of section 2-A, the individual workman concerned may, within twelve months from the date of communication to him of the order of discharge, dismissal, retrenchment or termination or the date of commencement of the Industrial Disputes (Delhi Amendment) Act, 2003, whichever is later, apply, the prescribed manner, to the Labour Court or the Tribunal, as the case may be, for adjudication of the dispute and the Labour Court or Tribunal as the case may be, shall dispose of such application in .the same manner as a dispute referred under sub-section (1)."—Delhi Act 9 of 2003, S. 2 (w.e.f. 22-8-2003).

State Amendments—Karnataka

(1) In its application to the State of Karnataka,

(i) in S. 10, after sub-S. (4), insert the following sub-section, namely:

"(4-A) Notwithstanding anything contained in section 9-C and in this section, in the case of a dispute falling within the scope of section 2-A, the individual workman concerned may, within six months from the date of communication to him of the order of discharge, dismissal, retrenchment or termination or the date of the commencement of the Industrial Disputes (Karnataka Amendment) Act, 1987, whichever is later, apply, in the prescribed manner to the Labour Court for adjudication of the dispute and the Labour Court shall dispose of such application in the same manner as a dispute referred under sub-section (1).

Note: An application tinder sub-section (4-A), may be made even in respect of a dispute pending consideration of the Government for reference, on the date of commencement of the Industrial Disputes (Karnataka Amendment) Act, 1987". -- Karnataka Act 3 of 1988, S. 2 (w.e.f. 7-4-1988).

(ii) after S. 10, insert the following section, namely:

"10-A. Power to Transfer cases: The State Government may, by order in writing and for reasons to be stated therein, at any stage transfer any industrial dispute pending before a Tribunal constituted by the State Government to any other Tribunal constituted by the State Government for adjudication, and the Tribunal to which the dispute is so transferred may subject to any special directions in the order of transfer, proceed either de novo or from the stage at which it was transferred."—Mysore Act 15 of 1953.

(2) In its application to the Madras area in the State of Mysore, omit sub-S. (2-A) as inserted in Madras Act 12 of 1949. —Mysore Act 1 of 1960, S. 2 (w.e.f. 21-1-1960).

State Amendments—Madhya Pradesh

In its application to the State of Madhya Pradesh, throughout the Act, for the words ''in the Second Schedule" wherever they occur, the words and letter in Part A of the Second Schedule" shall be substituted—M.P. Act 43 of 1981, S. 3 (w.e.f. 26-1-1982).

State Amendments—Maharashtra

In its application to the State of Maharashtra, in S. 10, sub-S. (2), after the words "appropriate Government", insert "on such application being made by a Union recognised for any undertaking under any law for the time being in force, and in any other case. '—Maharashtra Act 1 of 1972, Sch. I, Item 2.

State Amendments—Tamil Nadu

In its application to the State of Tamil Nadu, after sub-S. (2), insert the following sub-section, namely:

"(2-A) Notwithstanding anything contained in sub-sections (1) and (2), where a Tribunal has been constituted under this Act for the adjudication of disputes in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workmen concerned they refer the dispute to that Tribunal."—Tamil Nadu Act 12 of 1949, S. 3 (w.e.f. 14-6-1949).

State Amendments—West Bengal

In its application to the State of West Bengal, in S. 10, after sub- S. (1-A), insert the following sub-section, namely:

"(1-B) (a) Notwithstanding anything contained elsewhere in this Act, where in a conciliation proceeding of an industrial dispute relating to an individual workman, no settlement is arrived at within a period of sixty days from the date of raising of the dispute, the party raising the dispute may apply to the conciliation officer in such manner and in such form as may be prescribed, for a certificate about the pendency of the conciliation proceedings.

(b) The conciliation officer shall, on receipt of the application under clause (a), issue a certificate within seven days from the date of receipt in such manner, in such form and containing such particulars as may be prescribed. A copy of the certificate shall also be sent to the appropriate Government for information.

(c) The party may, within a period of sixty days from the receipt of such certificate or, where such certificate has not been issued within seven days as aforesaid, within a period of sixty days commencing from the day immediately after the expiry of seven days as aforesaid, file an application in such form and in such manner and with such particulars of demands as may be prescribed, to such Labour Court or Tribunal as may

be specified by the appropriate Government by notification. Different Labour Courts or Tribunals may be specified for different areas or different classes of industries.

(d) The Labour Court or Tribunal specified under clause (c) shall, within a period of thirty days from the date of receipt of an application under clause (c), give a hearing to the parties and frame the specific issues in dispute, and shall thereafter proceed to adjudicate on the issues so framed as if it were an industrial dispute referred to in sub-section (1)."—W.B. Act 33 of 1989, S.4.

10-A. Voluntary reference of disputes to arbitration

(1) Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal, by a written agreement, refer the dispute to arbitration and the reference shall be to such person or persons (including the presiding officer of a Labour Court or Tribunal or National Tribunal) as an arbitrator or arbitrators as may be specified in the arbitration agreement.

(1-A) [106][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 purposes of this Act.]

(2) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.

(3) A copy of the arbitration agreement shall be forwarded to the appropriate Government and the conciliation officer and the appropriate Government shall, within [107][one month] from the date of the receipt of such copy, publish the same in the Official Gazette.

(3-A) [108][Where an industrial dispute has been referred to arbitration and the appropriate Government is satisfied that the persons making the reference represent the majority of each party, the appropriate Government may, within the time referred to in sub-section (3) issue a notification in such manner as may be prescribed; and when any such notification is issued, the employers and workmen who are not parties to the arbitration agreement but are concerned in the dispute, shall be given an opportunity of presenting their case before the arbitrator or arbitrators.]

(4) The arbitrator or arbitrators shall investigate the dispute and submit to the appropriate Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

(4-A) [109][Where an industrial dispute has been referred to arbitration and a notification has been issued under sub-section (3A), the appropriate Government may, by order, prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence on the date of the reference.]

(5) Nothing in the Arbitration Act, 1940 (10 of 1940), shall apply to arbitrations under this section.]

State Amendment--Maharashtra

In its application to the State of Maharashtra, in S. 10-A,

(i) in sub-S. (1). after the words "workmen", insert "and where under any law for the time being in force, there is a recognised union in respect of any undertaking, the employer and such recognised union";

(ii) to sub-S. (3-A), add the following proviso, namely:

"Provided that, nothing in this sub-section shall apply, where, a dispute has been referred to arbitration in pursuance of. an agreement between the employer and the recognised union under sub-section (1) of this section";

(iii) in sub-S. (4-A), after the words, brackets, figure and letter "sub-section (3-A)", insert "or where there is a recognised union for any undertaking under any law for the time being in force and an industrial dispute has been referred to arbitration". —Maharashtra Act 1 of 1972, Sch. I, Item 3.

Section 10-B

Andhra Pradesh

In its application to the State of Andhra Pradesh, after S. 10-A, insert the following section, namely:

"10-B. Power to issue order regarding terms and conditions or service, etc.

(1) Notwithstanding anything contained in this Act, if in the opinion of the Government, it is necessary or expedient so to do, for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or maintaining industrial peace, it may by a general or special order, make provision,

(a) for requiring employers, workmen or both to observe for such period as may be specified in the order, such terms and conditions of employment as may be determined in accordance with the order; and

(b) for prohibiting, subject to the provisions of the order, strikes or lockouts generally or a strike or lockout in connection with any industrial dispute.

(2) In case any industrial dispute is raised in respect of any provisions in the order of the State Government made under sub-section (1) within a period of three months of the order, it shall be referred by the State Government for adjudication to an Industrial Tribunal or Labour Court and the order shall lapse when the award of the Tribunal or Labour Court becomes enforceable:

Provided, that the reference of the industrial dispute to adjudication shall not have the effect of staying operation of the order."---. A.P. Act 32 of 1987, S. 4 (w.e.f. -7-19S7).

State Amendments—Karnataka

In its application to the State of Karnataka, after S. 10-A, insert the following section, namely:

"10-B. Power to issue order regarding terms and conditions of service pending settlement of dispute

(1) Where an industrial dispute has been referred by the State Government to a Labour Court or a Tribunal under sub-section (1) of section 10 and if in the opinion of the State Government it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision,

(a) for requiring the employer or workman or both to observe such terms and conditions of employment as may be specified in the order or as may he have determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

(c) for any incidental or supplementary matter which appears to it to be necessary or expedient for the purpose of the order: Provided that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favourable to the workman then those which were applicable to them a t any time within three months immediately preceding the date of the order.

Explanation: For the purpose of this sub-section, "public utility service " means,

(i) any section of an industrial establishment on the working of which the safety of the establishment or the workman employed therein depends,

(ii) any industry which supplies power, light or water to the public;

(iii) any industry which has been declared by the State Government to be a public utility service for the purpose of this Act.

(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.

(3) Any money paid by an employer to any person in pursuance of an order under sub-section (1), maybe deducted by that employer from out of any monetary benefit to which such person becomes entitled under the provisions of any award passed by the Labour Court or the Tribunal, as the case may be."—Karnataka Act 5 of 1988, S. 3 (w.e.f. 7-4-1988).

State Amendments—Kerala

In its application to the State of Kerala, after S. 10-A, insert the following section, namely:

"10-B. Power to issue order recording terms and conditions of service pending settlement of disputes

(1) Where an industrial dispute has been referred by the State Government to a Labour Court or Tribunal under sub-section (1) of section 10 and if, in the opinion of the State Government, it necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision,

(a) for requiring the employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

(c) for any incidental or supplementary matters which appear to it to be necessary or expedient for the purpose of the order:

Provided that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months immediately preceding the date of the order.

Explanation: For the purposes of this sub-section, "public utility service" means,

(i) any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends;

(ii) any industry which supplies power, light or water to the public;

(iii) any industry which has been declared by the State Government to be a public utility service for the purposes of this Act.

(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.

(3) Any money paid by an employer to any person in pursuance of an order under sub-section (1), may be deducted by that employer from out of any monetary benefit to which such person becomes entitled under they of any award passed by the Labour Court or the Tribunal, as the case may be." Kerala Act 30 of 1979, S. 2 (yet to be enforced).

State Amendments—Rajasthan

In its application to the State of Rajasthan, for S. 10-A, insert the following new Chapter, namely:

"CHAPTER III-A ARBITRATION

10-B. Submission

(1) Any employer and a Representative Union or, in the absence of any registered Representative Union, any other Union which is representative of employees may, by a written agreement, agree to submit any present or future industrial dispute or class of such disputes to the arbitration of any person whether such arbitrator is named in such agreement or not. Such agreement shall be called a submission.

(2) A copy of every such submission shall be sent to the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in such manner as may be prescribed.

10-C. Submission when revocable: Every submission shall, in the absence of any provision to the contrary contained therein, be irrevocable:

Provided that a submission to refer future disputes to arbitration may at any time be revoked by any of the parties to such submission by giving the other party three months' notice in writing:

Provided further that, before the expiry of the said period of three months the parties may agree to continue the submission for such further period as may he agreed upon between them.

10-D. Proceedings in arbitration: The proceedings in arbitration under this Chapter shall ions of the Arbitration Act, 1940, in so far as they are applicable and the powers which are exercisable by a Civil Court under the said provisions shall be exercisable by the Industrial Tribunal.

10-E. Special case may be stated to Industrial Tribunal: The arbitrator may refer any question of law arising before him in any proceeding under this Act to the Industrial Tribunal for its decision. Any award made by the arbitrator shall be in accordance with such decision.

10-F. Award by arbitrator: The arbitrator shall, after hearing the parties concerned, make an award which shall be signed by him.

10-G. Dispute to be referred to Industrial Tribunal if no arbitrator appointed: Notwithstanding anything contained in this Chapter, if no provision has been made in any an arbitrator or where by reason of any circumstances no dispute may be referred by the State Government for industrial dispute to Industrial Tribunal.

10-H. State Government may refer industrial dispute to Industrial Tribunal for adjudication: Notwithstanding anything contained in this Chapter, the State Government may, at any time, refer an industrial dispute for adjudication by the Industrial Tribunal, if on a report made by the conciliation officer or otherwise it is satisfied that:

(A) By reason of the continuance of the dispute,

(a) A serious outbreak of disorder or a breach of the public peace is likely to occur; or

(b) Serious or prolonged hardship to a large section of the community is likely to be caused; or

(c) The industry concerned is likely to be seriously affected or the prospects and scope for employment therein curtailed; or

(B) The disputes is not likely to be settled by other means; or

(C) It is necessary in the public interest to do so.

When the State Government makes a reference to the Industrial Tribunal for adjudication of any industrial dispute, any submission or any award of an award of an arbitrator with regard to that industrial dispute shall stand as cancelled.

10-I. Notice of award to parties

(1) The arbitrator or the Industrial Tribunal as an arbitrator, as case may be shall forward copies of the award made by him or it to the parties, the Commissioner of Labour, the Registrar and the State Government.

(2) On receipt of such award, the Registrar shall enter it in the register kept for the purpose.

10-J. Completion of proceeding: The arbitration proceeding shall be deemed to have completed when the award is published under section 17". —Rajasthan Act 34 of 1958, S. 6 (w.e.f. 1-7-1960).

10-K. State Government may lay down terms and conditions of employment and prohibit strikes, etc.

(1) Notwithstanding anything contained in the Act, if in the opinion of the State Government, it is necessary or expedient so to do, for securing the public safety or public order or supplies and services essential to the life of the community or for maintaining employment or maintaining industrial peace, it may by a general or special order, make provision,

(a) for requiring employers, workmen or both to observe for such period as may specified in the order, such terms and conditions of employment as may be determined in accordance with the order; and

(b)for prohibiting, subject to the provision of order, strikes or lock-outs generally or a strike or lock-out in connection with any industrial dispute.

(2) In case any industrial dispute is raised in respect of any provisions in the order of the State Government made under sub-section (1) within a period of three months of the order, it shall be referred by the State Government for adjudication to an Industrial Tribunal and the order shall lapse when the award of the Tribunal becomes enforceable:

Provided, however, that the reference of the industrial dispute to adjudication shall not have the effect of staying the operation of the order". --Rajasthan Act 14 of 1970, S. 6 (w.r.e.f. 26-2-1970).

State Amendments—Tamil Nadu

In its application to the State of Tamil Nadu, after S. 10-A, insert the following section, namely:

"10-B. Power to issue order regarding terms and conditions of service pending settlement of dispute

(1) Where an industrial dispute has been referred by the State Government to a Labour Court or a Tribunal under sub-section (1) of section 10 and if in the opinion of the State Government, it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision,

(a) for requiring the employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

(c) for any incidental or supplementary matter which appears to them to be necessary or expedient for the purpose of the order:

Provided that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months immediately preceding the date of the order.

Explanation: For the purpose of this sub-section, "public utility service" means,

(i) any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends;

(ii) any industry which supplies power, light or water to the public;

(iii) any industry which has been declared by the State Government to be a public utility service for the purpose of this Act.

(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.

(3) Any money paid by an employer to any person in pursuance of an order under sub-section (1) may be deducted by that employer from out of any monetary benefit to which such person becomes entitled under the provisions of any award passed by the Labour Court or the Tribunal, as the case may be."—Tamil Nadu Act 36 of 1982, S. 2 (w.e.f. 15-8-1982).

CHAPTER IV PROCEDURE, POWERS AND DUTIES OF AUTHORITIES

11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals

(1) [110][Subject to any rules that may be made in this behalf, an arbitrator, a Board, Court, Labour Court, Tribunal or National Tribunal shall follow such procedure as the arbitrator or other authority concerned may think fit.]

(2) A conciliation officer or a member of a Board, [111][or Court or the presiding officer of a Labour Court, Tribunal or National Tribunal] may for the purpose of inquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates.

(3) Every Board, Court, [112][Labour Court, Tribunal and National Tribunal] shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects;

(c) issuing commissions for the examination of witnesses;

(d) in respect of such other matters as may be prescribed; and every inquiry or investigation by a Board, Court, [113][Labour Court, Tribunal or National Tribunal], shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

(4) A conciliation officer [114][may enforce the attendance of any person for the purpose of examination of such person or call for] and inspect any document which he has ground for considering to be relevant to the industrial dispute [115][or to be necessary for the purpose of verifying the implementation of any award or carrying out any other duty imposed on him under this Act, and for the aforesaid purposes, the conciliation officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), [116][in respect of enforcing the attendance of any person and examining him or of compelling the production of documents]].

(5) [117][A Court, Labour Court, Tribunal or National Tribunal may, if it so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors to advise it in the proceeding before it.

(6) All conciliation officers, members of a Board or Court and the presiding officers of a Labour Court, Tribunal or National Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(7) Subject to any rules made under this Act, the costs of, and incidental to, any proceeding before a Labour Court, Tribunal or National Tribunal shall be in the discretion of that Labour Court, Tribunal or National Tribunal and the Labour Court, Tribunal or National Tribunal, as the case may be, shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid and such costs may, on application made to the appropriate Government by the person entitled, be recovered by that Government in the same manner as an arrear of land revenue.]

(8) [118][Every [119][Labour Court, Tribunal or National Tribunal] shall be deemed to be Civil Court for the purposes of [120][sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (5 of 1898).]

(9) [121][Every award made, order issued or settlement arrived at by before Labour Court or Tribunal or National Tribunal shall be executed accordance with the procedure laid down for execution of orders and decree, a Civil Court under order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

(10) The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it.]

State Amendments--Karnataka

In its application to the State of Karnataka, for sub-S. (4), substitute the following sub-sections, namely:

(4) A consolidation officer may, if he considers that any document or the testimony any person is relevant or necessary for the settlement of an industrial dispute or for purpose of verifying the implementation of any award or carrying out any other duty imposed on him under this Act, call for and inspect such document or summon examine such person. For the aforesaid purposes, the conciliation officer shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) compelling the production of documents;

(iii) issuing commission for examination of witnesses.

(4-A) Whoever refuses or fails to attend or take part in a conciliation proceeding or fails or refuses to produce the documents in pursuance of an order issued under sub-section (4 shall, on conviction, be punishable with imprisonment for a period which may extend three months or with fine, which may extend to five hundred rupees or with both."---Karnataka Act 5 of 1988, S. 4 (w.e.f. 7-4-1988).

State Amendments—Tamil Nadu

In its application to the State of Tamil Nadu, for sub-S. (4), substitute the following sub-section, namely:

(4) A conciliation officer may, if he considers that any document or the testimony of al person is relevant or necessary for the settlement of an industrial dispute or for the purpose of verifying the implementation of any award or carrying out any other duty imposed him under this Act, call for and inspect such document or summon and examine such person. For the aforesaid purposes, the conciliation officer shall have the same powers as are person. For the aforesaid purposes, the conciliation officer shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

(i) Summoning and enforcing the attendance of any person and examining him on oath;

(ii) Compelling the production of documents;

(iii) Issuing commissions for examination of witnesses."—T.N. Act 5 of 1988, S.3 (w.e.f. 1-11-1988).

11-A. [122][Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen

Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.]

State Amendments---Andhra Pradesh

In its application to the State of Andhra Pradesh, after S. 11-A, insert the following section, namely:

"11-B. Power of Labour Court or Tribunal to execute its award by decree. —A Labour Court or a Tribunal shall have the power of a Civil Court to execute its award or any settlement as a decree of a Civil Court."—A.P. Act 32 of 1987, S. 5 (w.e.f. 27-7-1987).

State Amendments—Madhya Pradesh

In its application to the State of Madhya Pradesh, after S. 11-A, insert the following sections, namely:

"11-B. Powers of Labour Courts in respect of criminal cases: In respect of offences punishable under this Act and the Acts specified in Part-B of the Second Schedule a Labour Court shall have all the powers under the Code of Criminal Procedure, 1973 (2 of 1974) of a Judicial Magistrate of the First Class and in the trial of every such offence shall follow the procedure laid down in Chapter XXI of the said Code for summary trial and the rest of the provisions of the Code(shall, so far as may be, apply to such trial.

11-C. Appeal

(1) An appeal shall lie to the Industrial Court constituted under section 9 of the Madhya Pradesh Audyogik Sambandh Adhiniyam, 1960,

(a) against a conviction by a Labour Court, by the person convicted;

(b) against an acquittal by a Labour Court, by the State Government;

(c) for enhancement of sentence awarded by Labour Court, by the State Government.

(2) Every appeal shall be made within sixty days from the date of the Conviction, acquittal or sentence, as the case may be:

Provided that the industrial Court may for sufficient reasons allow an appeal after the expiry of the said period.

11-D. Powers of the Industrial Court hearing appeal under section 11-C: In respect of offence punishable under this Act and the Acts specified in Part-B of the Second Schedule, Industrial Court hearing appeal under section 11-C shall have all the powers of the High Court under the Code of Criminal Procedure, 1973 and shall follow such procedure as it may think fit in disposing of the appeal."—M.P. Act 43 of 1981, S. 3 (w.e.f. 26-1-1982).

State Amendments—West Bengal

In its application to the State of West Bengal, after S. 11-A, insert the following section, namely:

"11-B. Power of a Labour Court or Tribunal to execute its award by decree, etc.: A Labour Court or a Tribunal shall have the power of a Civil Court to execute its own award as a decree of a Civil Court and also to execute any settlement as defined in clause (p) of section 2 as a decree."--W.B. Act 57 of 1980, S. 5.

12. Duties of conciliation officers

(1) Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under section 22 has been given, shall hold conciliation proceedings in the prescribed manner.

(2) The conciliation officer shall, for bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate Government [123][or an officer authorised in this behalf by the appropriate Government] together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub- section (4), the appropriate Government is satisfied that there is a case for reference to a Board, [124][Labour Court, Tribunal or National Tribunal,] it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(6) A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government:

[125][Provided that, [126][subject to the approval of the conciliation officer,] the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute.]

State Amendment—West Bengal

In its application to the State of West Bengal, in sub-S. (6) of S. 12,

(i) for the words "within fourteen days", substitute "after completion of the conciliation proceedings within sixty days"; and
(ii) in the proviso, after the words "such period", insert "not exceeding six months". — W.B. Act 57 of 1980, S. 6.

13. Duties of Board

(1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the Board shall send a report thereof to the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

(3) If no such settlement is arrived at, the Board shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the proceedings and steps taken by the Board for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, its findings thereon, the reasons on account of which, in its opinion, a settlement could not be arrived at and its recommendations for the determination of the dispute.

(4) If, on the receipt of a report under sub-section (3) in respect of a dispute relating to a public utility service, the appropriate Government does not make a reference to a [127][Labour Court, Tribunal or National Tribunal] under section 10, it shall record and communicate to the parties concerned its reasons therefor.

(5) The Board shall submit its report under this section within two months of the date, [128][on which the dispute was referred to it] or within such shorter period as may be fixed by the appropriate Government:

Provided that the appropriate Government may from time to time extend the time for the submission of the report by such further periods not exceeding two months in the aggregate:

Provided further that the time for the submission of the report may be extended by such period as may be agreed on in writing by all the parties to the dispute.

14. Duties of Courts

A Court shall inquire into the matters referred to it and report thereon to the appropriate Government ordinarily within a period of six months from the commencement of its inquiry.

15. [129][Duties of Labour Courts, Tribunals and National Tribunals

Where an industrial dispute has been referred to a Labour Court, Tribunal or National Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, [within the period specified in the order referring such industrial dispute or the further period extended under the second proviso to sub-section (2A) of section 10], submit its award to the appropriate Government.

State Amendment—West Bengal

In its application to the State of West Bengal for S. 15, substitute the following section, namely:

"15. Duties of Labour Courts, Tribunals and National Tribunals

(1) Where an industrial dispute has been referred to a National Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, within the period specified in the order referring such industrial dispute or the further period extended under the second proviso to sub-section (2-A) of section 10, submit its award to the appropriate Government.

(2) Where an industrial dispute has been referred to a Labour Court or Tribunal under sub-section (1) of section 10, it shall,

(a) after the filing, a statement and taking of evidence, give day to day hearing and pronounce its award, other determination or decision in the manner specified in S. 17-AA, and

(b) after hearing the parties to the dispute, determine, within a period of sixty days from the date of the order referring such industrial dispute or within such shorter period as may be specified in such order, the quantum of interim relief admissible, if any:

Provided that the quantum of interim relief shall, in the case of discharge, dismissal or retrenchment of a workman from service or termination of service of a workman, be equivalent to the subsistence allowance admissible under the West Bengal Payment of Subsistence Allowance Act, 1969 (West Bengal Act XXXVIII of 1969)." —W.B. Act 33 of 1986, S. 4.

16. Form of report or award

(1) The report of a Board or Court shall be in writing and shall be signed by all the members of the Board or Court, as the case may be:

Provided that nothing in this section shall be deemed to prevent any member of the Board or Court from recording any minute of dissent from a report or from any recommendation made therein.

(2) The award of a Labour Court or Tribunal or National Tribunal shall be in writing and shall be signed by its presiding officer.

17. Publication of reports and awards

(1) Every report of a Board or Court together with any minute of dissent recorded therewith, every arbitration award and every award of a Labour Court, Tribunal or National Tribunal shall, within a period of thirty days from the date of its receipt by the appropriate Government, be published in such manner as the appropriate Government thinks fit.

(2) Subject to the provisions of section 17A, the award published under sub-section (1) shall be final and shall not be called in question by any Court in any manner whatsoever.

17-A. Commencement of the award

(1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under section 17:

Provided that,

(a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or

(b) if the Central Government is of opinion, in any case where the award has been given by a National Tribunal, that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforceable on the expiry of the said period of thirty days.

(2) Where any declaration has been made in relation to an award under the proviso to sub-section (1), the appropriate Government or the Central Government may, within ninety days from the date of publication of the award under section 17, make an order rejecting or modifying the award, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State Government, or before Parliament, if the order has been made by the Central Government.

(3) Where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of a State or before Parliament, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-section (1) and sub-section (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall

come into operation on the date when the award becomes enforceable under sub-section (1) or sub- section (3), as the case may be.]

State Amendment---West Bengal

In its application to the State of West Bengal, after S. 17-A, insert the following section, namely:

"*17-AA. Pronouncement and commencement of award, etc.: Notwithstanding anything contained in sections 17 and 17-A,

(1) every award, other determination or decision by an arbitrator or a Labour Court, or a Tribunal shall be pronounced on a date notified for the purpose and shall be dated and signed by the person or persons pronouncing the award, determination or decision and such award, determination or decision once signed. and dated shall not be altered save in the manner provided in this Act;

(2) the award, determination or decision of an arbitrator shall be pronounced in his office and the award, determination or decision of a Labour Court or a Tribunal shall be pronounced in open Court;

(3) a copy of every award, other determination or decision referred to in clause (1) certified in such manner as may be prescribed, shall be given by the arbitrator, Labour Court or Tribunal as the case may be, to each of the parties to the dispute fee of cost and a copy of the award, determination or decision as so certified shall be sent by the arbitrator, Labour Court or Tribunal, as the case may be, to the appropriate Government;

(4) every award, other determination or decision referred to in clause (1) shall become enforceable on the expiry of thirty days from the date of its pronouncement:

Provided that if the appropriate Government is of opinion, in any case where the award, other determination or decision has been given by an arbitrator or a Labour Court or a Tribunal, in relation to an industrial dispute in which it is a party, that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, other determination or decision, the appropriate Government may, by notification, declare that such award, determination or decision shall not become enforceable on the expiry of the said period of thirty days;

(5) where any declaration has been made-in relation to an award, other determination or decision under the proviso to clause (4), the appropriate Government may, within ninety days from the date of such award, determination or decision, by notification, make an order rejecting or modifying such award, determination or decision, and shall, on the first available opportunity, lay the same and a copy of such order (where any such order has been made) before the Legislature of the State;

(6) where any award, other determination or decision is rejected by the appropriate Government under clause (5) it shall not be enforceable;

(7) where any award, other determination or decision is modified by an order made under clause (5) such award, determination or decision as so modified shall become enforceable on the expiry of fifteen days from the date on which the order making the modification is published in the Official Gazette;

(8) where a declaration under the proviso to clause (4) has been made but no order is made under clause (5), the award, determination or decision shall become enforceable on the expiry of the period of ninety days referred to in clause (5);

(9) subject to the provisions of clauses (6), (7) and (8) regarding the inability of an award, other determination or decision, the same shall come into operation with effect from such date as may be specified therein, where no date is so specified it shall come into operation on the date same becomes enforceable under clause (4), clause (7) or clause (8) as the case may be;

(10) the award, other determination or decision pronounced under clause (1) shall, subject to the provisions of this section, be final and shall not be in question by any Court in any manner whatsoever". —W.B. Act 57 of 1980, S. 8. Old S. 17-B renumbered by W.B. Act 34 of 1983, S. 4 (w.r.e.f. 30-11-1981).

17-B. [130][Payment of full wages to workman pending proceedings in higher courts

Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court:

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.]

18. Persons on whom settlements and awards are binding

(1) [131][A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement.

(2) [132][Subject to the provisions of sub-section (3), an arbitration award] which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.]

(3) [133][A settlement arrived at in the course of conciliation proceedings under this Act [134][or an arbitration award in a case where a notification has been issued under sub-section (3A) of section 10A] or [135][an award [136][of a Labour Court, Tribunal or National Tribunal] which has become enforceable] shall be binding on,

(a) all parties to the industrial dispute;

(b) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board, [137][arbitrator,] [138][Labour Court, Tribunal or National Tribunal], as the case may be, records the opinion that they were so summoned without proper cause;

(c) where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;

(d) where a party referred to in clause (a) or clause (b) is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part.

State Amendment---Maharashtra

In its application to the State of Maharashtra, in to S. 13,

(a) in sub-S. (1), add the following proviso, namely:

"Provided that, where there is a recognised union for any undertaking under any the law for the time being in force, then such agreement (not being an agreement in respect of dismissal, discharge, removal, retrenchment, termination of service, or suspension of an employee) shall be arrived at between the employer, and the recognised union only; and such agreement shall be binding on all persons referred to in clause (c) and clause (d) of sub-section (3) of this section";

(b) in sub-S. (3), after the word, figure and letter "section 10-A", insert "or an arbitration award in a case where there is a recognised union for any undertaking under any law for the time being in force". --Maharashtra Act 1 of 1972, S. 20(2) and Sch. I (w.e.f. 8-9-1975).

19. Period of operation of settlements and awards

(1) A settlement [139][* * *] shall come into operation on such date as is agreed upon by the parties to the dispute, and if no date is agreed upon, on the date on which the memorandum of the settlement is signed by the parties to the dispute.

(2) Such settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months 2*[from the date on which the memorandum of settlement is signed by the parties to the dispute], and shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement.

(3) [140][An award shall, subject to the provisions of this section, remain in operation for a period of one year [141][from the date on which the award becomes enforceable under section 17A]:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it [142][to a Labour Court, if the award was that of a Labour Court or to a Tribunal, if the award was that of a Tribunal or of a National Tribunal] for decision whether the period of operation should not, by reason of such change, be shortened and the decision of [143][Labour Court or the Tribunal, as the case may be] on such reference shall, [144][* * *] be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) [145][No notice given under sub-section (2) or sub-section (6) shall have effect, unless it is given by a party representing the majority of persons bound by the settlement or award, as the case may be.]]

State Amendment---Maharashtra

In its application to the State of Maharashtra, in S. 19,

(a) after sub-S. (2), add the following sub-section, namely:

“(2-A) Notwithstanding anything contained in this section, where a union has been recognised under any law for the time being in force, or where any other union is recognised in its place under such law, then notwithstanding anything contained in sub-section (2), it shall be lawful to a such recognised union to terminate the settlement after giving two months' written notice to the employer in that behalf."

(b) to sub-S. (7), add the following,

"and where there is a recognised union for any undertaking under any law for the time being in force, by such recognised union”. —Maharashtra Act 1 of 1972, S. 20(2) and Sch. I (w.e.f. 8-9-1975).

State Amendments—West Bengal

In its application to the State of West Bengal, in sub-S. (3) of S. 19, after the words "section 17-A", insert or section17-AA". W.13. Act 57 of 1980 S. 9 and W. Act ',34 of 1983, S. 5 (w.e.f. 30-11-1981).

20. Commencement and conclusion of proceedings

(1) A conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock-out under section 22 is received by the conciliation officer or on the date of the order referring the dispute to a Board, as the case may be.

(2) A conciliation proceeding shall be deemed to have concluded,

(a) where a settlement is arrived at, when a memorandum of the settlement is signed by the parties to the dispute;

(b) where no settlement is arrived at, when the report of the conciliation officer is received by the appropriate Government or when the report of the Board is published under section 17, as the case may be; or

(c) when a reference is made to a Court, [146][Labour Court, Tribunal or National Tribunal] under section 10 during the pendency of conciliation proceedings.

(3) Proceedings [147][before an arbitrator under section 10A or before a Labour Court, Tribunal or National Tribunal] shall be deemed to have commenced on the date of the [148][reference of the dispute for arbitration or adjudication, as the case may be] and such proceedings shall be deemed to have concluded [149][on the date on which the award becomes enforceable under section 17A].

State Amendment---West Bengal

In its application to the State of West Bengal, for sub-S. (1) of S. 20, substitute the following sub-section, namely:

"(1) A conciliation proceeding shall be deemed to have commenced,

(a) in the case of an industry declared as "public utility service", on the date on which a notice of strike or lock-out under section 22 is received by the conciliation officer,

(b) in the case of any other industry, on the date the conciliation officer issues notices asking the parties concerned to attend a joint conference before him, and

(c) in the case where an industrial dispute is referred to a Board on the date of the order referring the dispute to a Board". —W.B. Act 57 of 1980, S. 10.

21. Certain matters to be kept confidential

There shall not be included in any report or award under this Act any information obtained by a conciliation officer, Board, Court, [150][Labour Court, Tribunal, National Tribunal or an arbitrator] in the course of any investigation or inquiry as to a trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through the evidence given before such officer, Board, Court, [151][Labour Court, Tribunal, National Tribunal or arbitrator], if the trade union, person, firm or company, in question has made a request in writing to the conciliation officer, Board, Court, [152][Labour Court, Tribunal, National Tribunal or arbitrator], as the case may be, that such information shall be treated as confidential; nor shall such conciliation officer or any individual member of the Board, [153][or Court or the presiding officer of the Labour Court, Tribunal or National Tribunal or the arbitrator] or any person present at or concerned in the proceedings disclose any such information without the consent in writing of the secretary of the trade union or the person, firm or company in question, as the case may be:

Provided that nothing contained in this section shall apply to a disclosure of any such information for the purposes of a prosecution under section 193 of the Indian Penal Code (45 of 1860).

CHAPTER V STRIKES AND LOCK-OUTS

22. Prohibition of strikes and lock-outs

(1) No person employed in a public utility service shall go on strike in breach of contract,

(a) without giving to the employer notice of strike, as herein-after provided, within six weeks before striking; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service shall lock-out any of his workmen,

(a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking out; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(3) The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the appropriate Government either generally or for a particular area or for a particular class of public utility services.

(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

(5) The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

(6) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the appropriate Government or to such authority as that Government may prescribe the number of such notices received or given on that day.

State Amendment---Himachal Pradesh

(1) No person employed in a public utility service [154][and non-public utility service] shall go on strike in breach of contract,

(a) without giving to the employer notice of strike, as herein-after provided, within six weeks before striking; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service [155][and non-public utility service] shall lock-out any of his workmen,

(a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking out; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

23. General prohibition of strikes and lock-outs

No workman who is employed in any industrial establishment shall go on strike in breach of contract and no employer of any such workman shall declare a lock-out,

(a) during the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings;

(b) during the pendency of proceedings before [156][a Labour Court, Tribunal or National Tribunal] and two months after the conclusion of such proceedings; [157][*]

(bb) [158][during the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under sub-section (3A) of section 10A; or]

(c) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

24. Illegal strikes and lock-outs

(1) A strike or a lock-out shall be illegal if,

(i) it is commenced or declared in contravention of section 22 or section 23; or

(ii) it is continued in contravention of an order made under sub-section (3) of section 10 [159][or sub-section (4A) of section 10A].

(2) Where a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time of the reference of the dispute to a Board, [160][an arbitrator, a] [161][Labour Court, Tribunal or National Tribunal], the continuance of such strike or lock-out shall not be deemed to be illegal, provided that such strike or lock-out was not at its commencement in contravention of the

provisions of this Act or the continuance thereof was not prohibited under sub-section (3) of section 10 [162][or sub-section (4A) of section 10A].

(3) A lock-out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

25. Prohibition of financial aid to illegal strikes and lock- outs

No person shall knowingly expend or apply any money in direct furtherance of support of any illegal strike or lock-out.

[163][CHAPTER V-A LAY-OFF AND RETRENCHMENT

25-A. Application of sections 25C to 25E

(1) Sections 25C to 25E inclusive [164][shall not apply to industrial establishments to which Chapter VB applies, or;

(a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month; or

(b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

[165][Explanation. --In this section and in sections 25C, 25D and 25E, "industrial establishment" means,

(i) a factory as defined in clause (m) of section 2 of the Factories Act 1948 (63 of 1948); or

(ii) a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952); or

(iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951).]

25-B. [166][Definition of continuous service

For the purposes of this Chapter,

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted because sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer,

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has worked under the employer for not less than;

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has worked under the employer for not less than;

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Explanation: For the purposes of clause (2), the number of days on which a workman has worked under an employer shall include the days on which,

(i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment;

(ii) he has been on leave with full wages, earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.]

25-C. [167]**[Right of workmen laid-off for compensation**

Whenever a workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:

Provided that if during any period of twelve months, a workman is so laid-off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay-off after the expiry of the first forty-five days, if there is an agreement to that effect between the workman and the employer:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to retrench the workman in accordance with the provisions contained in section 25F at any time after the expiry of the first forty-five days of the lay-off and when he does so, any compensation paid to the workman for having been laid- off

during the preceding twelve months may be set off against the compensation payable for retrenchment.

Explanation: "Badli workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.]

State Amendment---Maharashtra

In its application to the State of Maharashtra, in S. 25-C,

(a) after the words "had he not been so laid-off:", insert the following proviso,

"Provided that, where the lay-off is because discontinuance or reduction of the supply of power to the industrial establishment for contravention of any provisions of the Bombay Electricity (Special Powers) Act, 1946, or of any orders or directions issued thereunder, the compensation payable to the workman shall be equal to hundred per cent, of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:"

(b) in the existing first proviso, for the words "provided that", substitute "provided further that".

(c) in the existing second proviso for the words "provided further that", substitute. "provided also that". —Maharashtra Act 22 of 1981, S. 3 (w.e.f. 1-7-1981).

State Amendments—West Bengal

In its application to the State of West Bengal, in S. 25-C, the second proviso shall be omitted. --W.B. Act 57 of 1980, S. 11.

25-D. Duty of an employer to maintain muster rolls of workmen

Notwithstanding that workmen in any industrial establishment have been laid-off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

25-E. Workmen not entitled to compensation in certain cases

No compensation shall be paid to a workman who has been laid-off,

(i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special kill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;

(ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;

(iii) if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment.

State Amendment---West Bengal

In its application to the State of West Bengal, in S. 25-E, after Cl. (ii), insert the following proviso, namely:

"Provided that where lay-off extends beyond seven days at a stretch the workman may be required to present himself only once in a week;"—W.B. Act 57 of 1980, S. 12.

25-F. Conditions precedent to retrenchment of workmen

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

[168][* * *]

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay [169][for every completed year of continuous service] or any part thereof more than six months; and

(c) notice in the prescribed manner is served on the appropriate Government [170][or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

State Amendment Madhya Pradesh

In Section 25F,

(a) in Clause (a), for the words ''one month notice'', the words ''three month's notice'' shall be substituted;

(a) the workman has been given [171][three month's notice] in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

For Clause (b), the following clause shall be substituted, namely:

(b) [172][the workmen has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average for every completed year of continues service or any part thereof in excess of six months, or an amount equivalent to his three months' average pay, whichever is more; and]

State Amendment Himachal Pradesh

In Section 25 F of the principal Act, in clause (b), for the words "fifteen days", the words "sixty days" shall be substituted.

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to [173][sixty days] average pay [174][for every completed year of continuous service] or any part thereof more than six months; and

State Amendment – Jammu And Kashmir

In Section 25F, in clause (b), for "fifteen days", substitute the words "thirty days".

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to [175][thirty days] average pay [176][for every completed year of continuous service] or any part thereof more than six months; and

25- FF. [177][Compensation to workmen in case of transfer of undertakings

Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:

If nothing in this section shall apply to a workman in any case where there has been a change of employers because of the transfer, if;

(a) the service of the workman has not been interrupted by such transfer;

(b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.]

25- FFA. [178][Sixty days' notice to be given of intention to close any undertaking

(1) An employer who intends to close down an undertaking shall serve, at least sixty days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate Government stating clearly the reasons for the intended closure of the undertaking:

Provided that nothing in this section shall apply to,

(a) an undertaking in which;

(i) less than fifty workmen are employed, or

(ii) less than fifty workmen were employed on an average per working day in the preceding twelve months,

(b) an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work or project.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.]

State Amendment---West Bengal

In its application to the State of West Bengal, after S. 25-FP, insert the following new section, namely:

"25-FFA. Sixty days' notice to be given of intention to close down any undertaking

(1) An employer who intends to close down an undertaking shall serve, at least sixty days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the State Government stating clearly the reasons for the intended closure of the undertaking: Provided that nothing in this section shall apply to,

(a) an undertaking in which not more than fifty workmen are employed or were employed on any day of the preceding twelve months;

(b) a branch establishment, in the State of West Bengal, of;

(i) an establishment, being a company, registered under the Companies Act, 1956, having registered office outside the said State, or

(ii) any other establishment, 'having head office outside the said State, where the closure of such branch establishment has become necessary consequent on the closure of the registered office or the head office, as the case may be, of that establishment or that other establishment.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order."—President's Act 8 of 1971, S. 3 (w.e.f.28-8-1971).

25- FFF. Compensation to workmen in case of closing down of undertakings

(1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of section 25F shall not exceed his average pay for three months.

[179][Explanation. --An undertaking which is closed down by reason merely of,

(i) financial difficulties (including financial losses); or

(ii) accumulation of undisposed of stocks; or

(iii) the expiry of the period of the lease or licence granted to it; or

(iv) in a case where the undertaking is engaged in mining operations, exhaustion of the minerals in the area in which such operations are carried on; shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.]

(1-A) [180][Notwithstanding anything contained in sub-section (1), where an undertaking engaged in mining operations is closed down by reason merely of exhaustion of the minerals in the area in which such operations are carried on, no workman referred to in that sub-section shall be entitled to any notice or compensation in accordance with the provisions of section 25F, if;

(a) the employer provides the workman with alternative employment with effect from the date of closure at the same remuneration as he was entitled to receive, and on the same terms and conditions of service as were applicable to him, immediately before the closure;

(b) the service of the workman has not been interrupted by such alternative employment; and

(c) the employer is, under the terms of such alternative employment or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by such alternative employment.

(1-B) For the purposes of sub-sections (1) and (1A), the expressions "minerals" and "mining operations" shall have the meanings respectively assigned to them in clauses (a) and (d) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957).]

(2) Where any undertaking set-up for the construction of buildings, bridges, roads, canals, dams or other construction work is closed down on account of the completion of the work within two years from the date on which the undertaking had been set-up, no workman employed therein shall be entitled to any compensation under clause (b) of section 25F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under that section for every [181][completed year of continuous service] or any part thereof in excess of six months.]

State Amendment---Andhra Pradesh

In its application to the State of Andhra Pradesh, in sub-S. (1) of S. 25-FFF,

(a) before the existing proviso, insert the following proviso, namely:

"Provided that the prior payment of compensation to the workman shall be a condition precedent to the closure of any undertaking";

(b) in the existing proviso for the words "provided that"; substitute "provided further that". A.P. Act 32 of 1987, S. 6 (w.e.f. 27-7-1987).

State Amendments—West Bengal

In its application to the State of West Bengal, in sub-S. (1) of S. 25-FFF,

(a) before the existing proviso, insert the following proviso, namely:

"Provided that the prior payment of compensation to the workman shall be a condition precedent to the closure of any undertaking"; (b) in the existing proviso for the words "provided that", substitute "provided further 11s, that". W.B. Act 57 of 1980, S. 13.

25-G. Procedure for retrenchment

Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

25-H. Re-employment of retrenched workmen

Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity [182][to the retrenched workmen who are citizens of India to offer themselves for re-employment and such retrenched workman] who offer themselves for re-employment shall have preference over other persons.

State Amendment---Andhra Pradesh

In its application to the State of Andhra Pradesh, renumber S. 25-H as sub-S. (1) thereof and after sub-S. (1), as so renumbered, insert the following sub-S. (2) and S. 25-HH, namely:

"(2) Where a closed unit is re-opened, the workmen on the, roll of the unit immediately before its closure shall be given an opportunity to offer themselves for re-employment in the manner provided in sub-section (1)."

"25-HH. Condition of reinstatement in service by an award of Labour Court or Tribunal: Where a workman is reinstated in service by an award of a Labour Court or a Tribunal, the workman shall be deemed to be in service from the date specified in the award whether or not the workman was earlier reinstated by the employer and his wages shall be recovered in the manner provided in section 33-C". —A.P. Act 32 of 1987, Ss. 7 and 8 (w.e.f. 27-7-1987).

State Amendments—West Bengal

In its application to the State of West Bengal, re-number S. 25-H as sub-S. (1) thereof and after sub-S. (1), as so renumbered, insert the following sub-S. (2) and S. 25-HH, namely:

"(2) Where a closed unit is re-opened, the workmen on the role of the unit immediately before its closure shall be given an opportunity to offer themselves for re-employment in the manner provided in sub-section (1)."

"25-HH. Condition of reinstatement in service by an award of Labour Court or Tribunal: Where a workman is reinstated in service by an award of a Labour Court or a Tribunal, workman shall be deemed to be in service from the date specified in the award whether or not the workman was earlier reinstated by the employer and his wages shall be recovered in the manner provided in section '33-C". —W.B. Act 57 of 1980, Ss. 14 and 15.

25-I. Recovery of moneys due from employers under this chapter

[Repealed by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 (36 of 1956), s. 19 (w.e.f. 10-3-1957).]

25-J. Effect of laws inconsistent with this Chapter

(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law [including standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946)]:

[183][Provided that where under the provisions of any other Act or rules, orders or notifications issued thereunder or under any standing orders or under any award, contract of service or otherwise, a workman is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the workman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.]

(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter.]

[184][CHAPTER V-B SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

25-K. Application of Chapter V-B

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [185][one hundred] workmen were employed on an average per working day for the preceding twelve months.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

State Amendment – Bihar

In the Industrial Disputes Act, 1947, in section 25 K, for the words "one hundred", the words "three hundred" shall be substituted.

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [186][three hundred] workmen were employed on an average per working day for the preceding twelve months.

State Amendment – Madhya Pradesh

In Section 25K, sub-section (1), for the words ''one hundred,'' the words ''three hundred'' shall be substituted.

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [187][three hundred] workmen were employed on an average per working day for the preceding twelve months.

State Amendment---Karnataka

In its application to the State of Karnataka, in S. 25-K, after sub-S. (1), insert the following sub-section, namely:

"(1-A) Notwithstanding anything contained in sub-section (1), the State Government may, from time to time, by notification in the Official Gazette, apply the provisions of, sections 25-O and 25-R in so far as they relate to contravention of sub-section (1) or sub-, section (2) of section 25-O, also to an industrial establishment of a seasonal character or in which work is performed only intermittently in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months."— Karnataka Act 5 of 1988, S. 5 (w.e.f. 7-4-1988).

State Amendments—Maharashtra

In its application to the State of Maharashtra, in S. 25-K, after sub-S. (1), insert the following sub-section, namely:

"(1-A) Without prejudice to the provisions of sub-section (1), the appropriate Government may, from time to time, by notification in the Official Gazette, apply the provisions of section 25-O and section 25-R in so far as it relates to contravention of sub-section (1) or (2) of section 25-O, also to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen, which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months." Maharashtra Act 3 of 1982, S. 2 (w.r.e.f. 27-10-1981).

State Amendments—Orissa

In its application to the State of Orissa, in S. 25-K (1), for the words "three hundred", substitute "one hundred". —Orissa Act 6 of 1983, S. 2 (w.e.f. 21-2-1983).

State Amendments—Rajasthan

In its application to the State of Rajasthan, in S. 25-K, after sub-S. (1), insert the following sub-section, namely:

"(1-A) Without prejudice to the provisions contained in sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimisation of workmen so requires, by notification in the Official Gazette, apply the provisions of this Chapter to an industrial establishment; (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen, which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per

working day for the preceding twelve months.--Rajasthan Act 8 of 1984, S. 2 (w.e.f. 14-4-1984).

State Amendments—West Bengal

In its application to the State of West Bengal, in sub-S. (1) of S. 25-K, for the words "three hundred", substitute "fifty". —W.B. Act 57 of 1980, S. 16.

State Amendments—Himachal Pradesh

In Section 25 K of the principal Act, in sub-section (1), for the words "one hundred", the words "two hundred" shall be substituted.

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [188][two hundred] workmen were employed on an average per working day for the preceding twelve months.

State Amendments-Gujarat

In the principal Act, in section 25K,-

(i) in sub-section (1), for the words “one hundred”, the words “three hundred” shall be substituted;

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [189][three hundred] workmen were employed on an average per working day for the preceding twelve months.

(ii) after sub-section (1), the following sub-section shall be inserted, namely:

(1A) [190][Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette, apply the provision of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.]

State Amendment – Karnataka

In the Industrial Disputes Act, 1947 (Central Act No.14 of 1947), in section 25K,-

(i) in sub-section (1), for the words "one hundred", the words "three hundred", shall be substituted; and (ii) in sub-section (1A), for the words "one hundred", the words "three hundred", shall be substituted.

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [191][three hundred] workmen were employed on an average per working day for the preceding twelve months.

(1-A) Notwithstanding anything contained in sub-section (1), the State Government may, from time to time, by notification in the Official Gazette, apply the provisions of, sections 25-O and 25-R in so far as they relate to contravention of sub-section (1) or sub-, section (2) of section 25-O, also to an industrial establishment of a seasonal character or in which work is performed only intermittently in which not less than [192][three hundred] workmen were employed on an average per working day for the preceding twelve months.

STATE AMENDMENT – PUNJAB

In the principal Act, for section 25K, the following section shall be substituted, namely:

25K.

(1) [193][The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which less than three hundred workmen but not less than one hundred workmen, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

(3) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.]

STATE AMENDMENT – JAMMU AND KASHMIR

In Section 25K, in sub-section (1), for – “one hundred”, substitute “three hundred”.

(1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than [194][three hundred] workmen were employed on an average per working day for the preceding twelve months.

25-L. Definitions

For the purposes of this Chapter,

(a) "industrial establishment" means;

(i) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);

(ii) a mine as defined in clause (i) of sub- section (1) of section 2 of the Mines Act, 1952 (35 of 1952); or

(iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);

(b) notwithstanding anything contained in sub-clause (ii) of clause (a) of section 2,

(i) in relation to any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or

(ii) in relation to any corporation [not being a corporation referred to in sub-clause (i) of clause (a) of section 2] established by or under any law made by Parliament, the Central Government shall be appropriate Government.

State Amendment---Rajasthan

In its application to the State Rajasthan, in Cl. (b) of S. 25-L, for the expression "the Central Government shall be the appropriate Government", substitute "the State Government shall have no powers under this Chapter". —Rajasthan Act 8 of 1984, S.3 (w.e.f. 14-4-1984).

25-M. Prohibition of lay-off

(1) No workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment to which this Chapter applies shall be laid-off by his employer except [195][with the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette (hereinafter in this section referred to as the specified authority), obtained on an application made in this behalf, unless such lay-off is due to shortage of power or to natural calamity, and in the case of a mine, such lay-off is due also to fire, flood, excess of inflammable gas or explosion].

(2) [196][An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended lay-off and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where the workman (other than badli workmen or casual workmen) of an industrial establishment, being a mine, have been laid- off under sub-section (1) for reasons of fire, flood or excess of inflammable gas or explosion, the employer, in relation to such establishment, shall, within a period of thirty days from the date of commencement of such lay-off, apply, in the prescribed manner, to the appropriate Government or the specified authority for permission to continue the lay-off.

(4) Where an application for permission under sub-section (1) or sub-section (3) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such lay-off, may, having regard to the genuineness and adequacy of the reasons for such lay-off, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(5) Where an application for permission under sub-section (1) or sub-section (3) has been made and the appropriate Government or the specified authority does not

communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(6) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (7), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(7) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (4) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(8) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (3) is made within the period specified therein, or where the permission for any lay-off has been refused, such lay-off shall be deemed to be illegal from the date on which the workmen had been laid-off and the workmen shall be entitled to all the benefits under any law for the time being in force as if they had not been laid-off.

(9) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub- section (1), or, as the case may be, sub-section (3) shall not apply in relation to such establishment for such period as may be specified in the order.

(10) [197][The provisions of section 25C (other than the second proviso thereto) shall apply to cases of lay-off referred to in this section.

Explanation: For the purposes of this section, a workman shall not be deemed to be laid-off by an employer if such employer offers any alternative employment (which in the opinion of the employer does not call for any special skill or previous experience and can be done by the workman) in the same establishment from which he has been laid-off or in any other establishment belonging to the same employer, situate in the same town or village, or situate within such distance from the establishment to which he belongs that the transfer will not involve undue hardship to the workman having regard to the facts and circumstances of his case, provided that the wages which would normally have been paid to the workman are offered for the alternative appointment also.

State Amendment---Rajasthan

In its application to the State of Rajasthan, in S. 25-M,

(a) in sub-S. (1), between the expression "this Chapter applies" and the expression "shall be laid off", the expression "or is applied under sub-section (1-a) of section 25-K" and for the expression “appropriate Government”, substitute the expression “State Government”;

(b) in sub-S. (2), for the expression “(Amendment) Act, 1976”, substitute “Rajasthan (Amendment) Act, 1984”;

(c) for sub-S. (3), substitute the following sub-section, namely:

“(3) In the case of every application for permission under sub-section (1) or sub-section (2), the employer shall state clearly the reasons due to which he intends to lay-off or continue the lay-off of a workman and a copy of such application shall be served on the workman intended to be laid-off or continued to be laid-off by registered post with acknowledgment due.

(4) Where an application for permission has been made under sub-section (1) or sub-section(2), the authority to whom the application has been made, after making such enquiry as it thinks fit and after giving reasonable opportunity of being heard to the employer and the workman, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the terms of contract of service and the standing orders governing the establishment, by order and for reasons to be recorded in writing grant or refuse to grant such permission and such order shall be communicated to the employer and the workman."

(d) renumber the existing sub-S. (4) as sub-S. (5) thereof;

(e) after sub-S. (5) as so re-numbered, insert the following sub-sections, namely:

"(6) An order of the authority specified under sub-section (1) granting or refusing to grant permission shall, subject to the provisions of sub-section (7), be final and binding on both the parties.

(7) The authority specified under sub-section (1) may, either of its own motion or on the application made by the employer or the workman, review its order granting or refusing to grant permission under sub-section (4) or refer the matter to the Labour Court having jurisdiction for adjudication:

Provided that where a reference has been made to a Labour Court under this sub-section, it shall pass an award within a period of thirty days from the date of such reference"; and

(f) renumber the existing sub-Ss. (5) and (6) as sub-Ss. (8) and (9) thereof. —Rajasthan, Act 8 of 1984, S. 4 (w.e.f. 144-1984).

State Amendments—West Bengal

In its application to the State of West Bengal, in sub-S. (4) of S. 25-M, for the words "two months" substitute "three months”. —W.B. Act 57 of 1980, S. 17.

25-N. Conditions precedent to retrenchment of workmen

(1) No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice; and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette (hereafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub- section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or cause it to be referred, to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub- section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub- section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.]

State Amendment---Rajasthan

In its application to the State of Rajasthan, in S. 25-N, —(a) in sub-S. (1),

(i) between the expression "this Chapter applies" and the expression “who been”, insert the expression “or is applied under sub-section (1-A) of section 25-K”; and

(ii) for Cl. (c), substitute the following clause, namely:

“(c) three months; notice in writing stating clearly the reasons for retrenchment is served on the State Government or such authority as may be specified by the State Government by notification in the Official Gazette by registered post with acknowledgment due, and the permission of the State Government or of such authority is obtained under sub-section (2)”;

(b) for sub-section (2), substitute the following sub-sections, namely:

"(2) On receipt of a notice under clause (c) of sub-section (1), the State Government, or authority, after making such enquiry as it thinks fit and after giving reasonable opportunity of being heard to the employer, the workman and the office-bearer of the representative union of the concerned industrial establishment, may, having regard, genuineness and adequacy of the reasons stated by the employer, requirements of industrial peace, prevention of victimisation and unfair labour practice, by order reasons to be recorded in writing grant or refuse to grant such permission and such or shall be communicated to the employer, the workman and the office-bearer of representative union";

(c) in sub-S. (4), substitute for the expression "(Amendment) Act, 1976", expression "(Rajasthan Amendment) Act, 1984", for the expression "(a) of section expression "(c) of sub-section (1)", for the word "appropriate", the word "State" and forty expression "sub-section (2)", the expression "the said clause of the said sub-sere respectively;

(d) in sub-S. (5), for the word "appropriate", substitute "State";

(e) after sub-S. (5), insert the following sub-sections, namely:

"(6) An order of the State Government or the authority granting or refusing to grant permission shall, subject to the provisions of sub-section (7), be final and binding all the parties and shall remain in force for one year from the date of such order.

(7) The State Government or the authority may, either or own motion or on the application made by the employer or the workman, review its granting or refusing to grant permission under sub-section (2) or refer the matter' Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, shall pass an award within a period of thirty days from the date of such reference.";

(f) renumber the existing sub-Ss. (6) and (7) as sub-Ss. (8) and (9) thereof, respectively; and

(g) in sub-S. (9), as so renumbered,

(i) for the expression "(Amendment) Act, 1976", substitute "(Rajasthan Amendment) Act, 1984";

(ii) delete the expression "or the Central Government";

(iii) for the word "appropriate", wherever occurring, substitute "State"; and

(iv) for the expression "and any order passed by such authority shall be final and binding on the employer and the workman or workmen", substitute "and while deciding such matter shall proceed to hold the enquiry in the manner and have regard to review under the proviso to this sub-section, be final and binding on the employer and the workman or workmen:

Provided that such authority as aforesaid may, either on its own motion or on the application made by the employer or the workman, review the order passed by it under this sub-section or refer the matter to a Tribunal for adjudication and to such reference, the provisions contained in the proviso to sub-section (7) shall, mutatis mutandis, apply". --Rajasthan Act 8 of 1984, S. 5 (w.e.f. 14-4-1984).

State Amendment-Gujarat

In the principal Act, in section 25N,-

(i) in sub-section (1), in clause (a), the words "or the workman has been paid in lieu of such notice, wages for the period of the notice" shall be deleted;

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, [198][***]; and

(ii) in sub-section (9), the words "and an amount equivalent to his last three months average pay" shall be added at the end.

(9) Where permission for retrenchment has been granted under sub- section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.] [199][and an amount equivalent to his last three months average pay]

State Amendment – Punjab

In the principal Act, in section-25 N,-

(i) in sub-section (1), in clause (a), the signs and words," or the workmen has been paid in lieu of such notice, wages for the period of the notice" shall be omitted; and

(ii) in sub-section (9), after the words "six months", the following words shall be added, namely:-

"and an amount equivalent to his three months average pay".

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, s[200][****]; and

(9) Where permission for retrenchment has been granted under sub- section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months [201][and an amount equivalent to his three months average pay.]

25-O. [202][Procedure for closing an undertaking

(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner:

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) Where an application for permission has been made under sub- section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refused to grant such permission and a copy of such order shall be communicated to the employer and the workman.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.]

State Amendments---Madhya Pradesh

In its application to the State of Madhya Pradesh, for S. 25-O, substitute the following section, namely:

"25-O. Procedure for closing down an undertaking: (1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall apply for prior permission at least ninety days before the date on which the intended closure is to be become effective, to the State Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen by registered post with acknowledgment due.

(2) Where a notice has been served on the State Government by an employer under sub-section (1) of section 25-FFA and the period of notice has not expired on the 5th August 1983, such employer shall not close down the undertaking but shall, within a period of fifteen days from the said date, apply to the State Government for permission to close down the undertaking.

(3) Where an application for permission has been made under sub-section (1) or sub-section (2), the State Government, after making such enquiry as it thinks fit and after rea a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure, may, having regard to the genuineness and adequacy of the reasons stated by employer, the interest of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application has been made under sub-section (1) or sub-section (2) as the, may be, and the State Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the State Government granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties and shall remain in force for one year from the date or such order.

(6) The State Government may, either on its own motion or the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it, shall pass an award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) or sub-section (2) made within the period specified therein, or where the permission for closure has been refused, the closure of undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(9) Where an undertaking is permitted to be closed down under sub-section (3) or where permission for closure is deemed to be granted under sub-section (4), even-workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."—Madhya Pradesh Act 32 of 1983, S. 3 (w.e.f. 28-10-1983).

Maharashtra

In its application to the State of Maharashtra, for S. 25-0, substitute the following section, namely:

"25-O. Application to be made for obtaining permission to close down any undertaking ninety days before closure: (1) An employer, who intends to close down an undertaking

of an industrial establishment to which this Chapter applies, shall submit, for permission, at least ninety days before the date on which the intended closure is to become effective, an application, in the prescribed manner, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking. A copy of such application shall be served by the employer simultaneously on the representatives of the workmen in the prescribed manner:

Provided that, nothing in this sub-section shall apply to an undertaking set up for the construction of building, bridges, roads, canals, dams, or other construction works.

(2) On receipt of an application under sub-section (1), the appropriate Government, after holding such inquiry as it deems fit, and after giving a reasonable opportunity of being heard to the applicant and the representatives of the workmen, may, for the reasons to be recorded in writing, by order grant the permission for closure, or if it is satisfied that the reasons given for the intended closure of the undertaking are not adequate and sufficient, or are not urged in good faith or are grossly unfair or unjust, and in any case such closure would be prejudicial to the interests of the general public, it may, for the reasons to be recorded in writing, by order refuse to grant the permission and direct the employer not to close such undertaking. A copy of any decision given by the appropriate Government under this sub-section shall be sent by it simultaneously to the representatives of the workmen.

(3) Where an application for permission has been made under sub-section (1), and the appropriate Government does not communicate the refusal to grant the permission to the employer, within a period of sixty days form the date of receipt of the application by it, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) Any employer or any workman affected by any order made under sub-section (2) or any workman affected by the permission deemed to be granted under sub-section (3), may, within thirty days from the date of the order or from the date from which the permission is deemed to be granted, as the case may he, prefer an appeal to such Industrial Tribunal as may be specified by the appropriate Government by notification in the Official Gazette for such area or areas or for the whole State, as may he specified therein. The Industrial Tribunal shall, after holding such inquiry as it deems fit, as far as possible within thirty days from the date of filing the appeal, pass an order, either affirming or setting aside the order of the appropriate Government or the permission deemed to be granted, as the case may be.

(5) Any order made by the appropriate Government under sub-section (2) or any permission deemed to be granted under sub-section (3), subject to an appeal to the Industrial Tribunal, and any order made by the Industrial Tribunal in such appeal, shall be final and binding on all the parties concerned.

(6) Any order refusing to grant permission for closure made by the appropriate Government under sub-section (2) shall remain in force for a period of one year from the date of such order, unless it is set aside earlier by the Industrial Tribunal in appeal.

(7) When no application for permission under sub-section (1) is made, or where the permission for closure has been refused, the closure of the undertaking shall be deemed

to be illegal from the date of closure, and the workman shall be entitled to all the benefits under any law for the time being in force, as if no notice has been given to him.

(8) Notwithstanding anything contained in sub-section (1), the appropriate Government may, if it is satisfied that owning to such exceptional circumstances as accident in the undertaking or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may he specified in the order.

(9) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman in the said undertaking, who has been in continuous service for not less than one year in that undertaking immediately before the date of application for permission under this section, shall he entitled to notice and compensation as specified in section 25-N, as if the said workman has been retrenched under that section."—Maharashtra Act 3 of 1982, S. 3 (w.e.f. 27-10-1981).

Orissa

In its application to the State of Orissa, for S. 25-0, substitute the following section, namely:

"25-O. Procedure for closing down an undertaking,—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies, shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also he served simultaneously on the representatives of the workmen in the prescribed manner:

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction works.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the person interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been ref-used, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."—Orissa Ordinance 3 of 1983, S. 3 (w.e.f. 21-2-1983).

State Amendments—Rajasthan

In its application to the State of Rajasthan, for S. 25-0, substitute the following section, namely:

"25-O. Procedure for closing down an undertaking.—(1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies including an employer who has served a notice under sub-section (1) of section 25-FFA on the State Government of his intention to close down such an undertaking but the period of such a notice has not expired at the commencement of the Industrial Disputes (Rajasthan Amendment) Ordinance, 1983, shall apply for prior permission at least ninety days before the date on which the intended closure is to become effective, to the State Government, stating clearly the reasons for the intended closure of the undertaking and copy of such-application shall also be served simultaneously on the representatives of the workmen by registered post with acknowledgment due.

(2) Where an application for permission has been made under sub-section (1), the State Government, after making such enquiry as it thinks fit and after giving reasonable Opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission

to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the State Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The State Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been ref-used, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent of fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."—Rajasthan Act 8 of 1984, S.6 (w.e.f. 14-4-1984).

State Amendments—West Bengal

In its application to the State of West Bengal, in S. 25-O,

(a) in sub-S. (1), after the first proviso, insert the following proviso, namely:

Provided further that every application for permissions to dose down an undertaking shall, having regard to the first proviso to section 25-FFF, contain the particulars of the quantum, mode, manner and time of payment of compensation to the workmen, in the manner prescribed, and such employer shall furnish such guarantee as may be required by the appropriate Government to discharge his liability for payment of compensation and other statutory dues to the workmen in the event of such permission being granted under sub-section (2) or deemed to have been granted under sub-section (3)";

(b) after sub-S. (1), insert the following sub-section, namely:

(1-A) Where an application for permission has been made under sub-section (1), the appropriate Government may, having regard to the reasons adduced in such application and the interests of the undertaking and the concerned workmen, issue such directions

as may be necessary for maintaining normalcy and continuity of work during the notice period";

(c) to sub-S. (6), add the following Explanation, namely:

"Explanation: Benefits under any law shall include benefits under any contract, agreement, award or settlement under any law";

(d) after sub-S. (7), insert the following sub-section, namely:

"(7-A) Every order of the appropriate Government under sub-section (7) shall indicate, for reasons to be recorded, the extent to which compensation computed under sub-section (8) shall be payable in the case, having regard to the facts and circumstances of the same and for securing such payment, the appropriate Government may obtain such information and guarantee specified in the second proviso to sub-section (1) as may be considered necessary";

(e) in sub-S (8), after the words "shall be entitled to receive", insert "in addition to all al dues. (including gratuity)'. —W. B Act 33 of 1989, S 5 (w.e.f 8-12-1989).

State Amendment-Gujarat

In the principal Act, in section 25-O, in sub-section (8), the words "and an amount equivalent to his last three months average pay" shall be added at the end.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months.] [203][and an amount equivalent to his last three months average pay]

State Amendment – Punjab

In the principal Act, in section 25-O, in sub-section (8), after the words "six months" the following words shall be amended, namely:-

"and an amount equivalent to his three months average pay."

(8) [Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months [204][and an amount equivalent to his three months average pay].]

25-P. Special provision as to restarting of undertakings closed down before commencement of the Industrial Disputes (Amendment) Act, 1976

If the appropriate Government is of opinion in respect of any undertaking of an industrial establishment to which this Chapter applies and which closed down before the commencement of the Industrial Disputes (Amendment) Act, 1976 (32 of 1976),

(a) that such undertaking was closed down otherwise than on account of unavoidable circumstances beyond the control of the employer;

(b) that there are possibilities of restarting the undertaking;

(c) that it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance of supplies and services essential to the life of the community to restart the undertaking or both; and

(d) that the restarting of the undertaking will not result in hardship to the employer in relation to the undertaking, it may, after giving an opportunity to such employer and workmen, direct, by order published in the Official Gazette, that the undertaking shall be restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

State Amendments---Rajasthan

In its application to the State of Rajasthan,

(i) for S. 25-P, substitute the following section, namely:

"25-P. Special provisions as to restarting of undertaking closed down before commencement of the Industrial Disputes (Rajasthan Amendment) Act, 1984: Where the undertaking of an industrial establishment to which this Chapter applies had been closed down before the commencement of the Industrial Disputes (Rajasthan Amendment) Act, 1984 and the State Government, after giving reasonable opportunity of being heard to the employer, workmen and the office bearer of the representative union of the concerned industrial establishment and after making such enquiry as it thinks fit, is satisfied that,

(a) such undertaking was closed down otherwise than on account of unavoidable circumstances beyond the control of the employer;

(b) there are possibilities of restarting the undertaking;

(c) it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance of supplies and services essential to the life of the community or both to restart the undertaking; and

(d) the restarting of the undertaking will not result in hardship to the employer in relation to the undertaking, it may direct, by order published in the Official Gazette, that the undertaking shall restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

(2) An order of the State Government directing the restarting of the undertaking under sub-section (1) shall, subject to the provisions of sub-section (3) be final and binding on all the parties.

(3) The State Government may either on its own motion or on the application made by the employer and after giving to such employer, the workmen and the office-bearer of the representative union of the concerned industrial establishment an opportunity of being heard, review its order directing the restarting of the undertaking under sub-section (1) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of sixty days from the date of such reference and

pending award by the Tribunal, the undertaking shall continue to remain restarted."; and

(ii) after S. 25-P, as so substituted, insert the following section, namely:

“25-PP. Special provision as to reinstatement of workmen retrenched before the commencement of the Industrial Disputes (Rajasthan Amendment) Act, 1984: (1) Notwithstanding award or order of Tribunal or any judgment, order or direction of any Court upholding the validity of retrenchment lent of any workman employed in any industrial establishment to which this Chapter applies who is retrenched at any time for six months immediately before the commencement of the Industrial Disputes. (Rajasthan Amendment Act, 1984, the State Government shall, either on its own motion or on the application made by any such retrenched workman or by the office-bearer of the representative union of tile concerned establishment, examine the validity of retrenchment of such workman and if, after making such enquiry it thinks fit and after giving reasonable opportunity of being heard to the employer, the retrenched workman, or as the case may be, to such office bearer, it is satisfied that,

(a) the retrenchment of the workman was without genuine or adequate reasons;

(b) the retrenchment was by way of victimisation and unfair labour practice; and

(c) the reinstatement of the workman is required for maintaining industrial peace in the industrial establishment, it shall, by order and for reasons to be recorded in writing, direct the employer to reinstate the retrenched workman within such time as may be specified in the order and if it is not so satisfied, it shall be such reasoned order uphold the validity of retrenchment of the workman and shall communicate its order to the employer and the workman.

(2) An order of the State Government under sub-section (1), subject to the order passed by it as a result of review under sub-section (3) and, where a reference has been made by it to a Tribunal under the said sub-section subject to the award passed by the Tribunal, shall be final and binding on the employer and the workman.

(3) The State Government may, either on its own motion or on the application made bythe employer or the retrenched workman, review its order directing reinstatement of the retrenched workman or, as the case may be, the order upholding the validity or retrenchment of the workman under sub-section (1) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference."-- Rajasthan Act 8 of 1984, Ss. 7 and 8 (w.e.f. 14-4-1984).

State Amendments—West Bengal

In its application to the State of West Bengal, for S. 25-P, substitute the following section, namely:

"25-P. Special provision the as to restarting of the undertaking closed down before the commencement of the Industrial Disputes (West Bengal Second Amendment) Act, 1986

(1) If the appropriate Government is of opinion in respect of any undertaking of an industrial establishment to which tis Chapter applies and which is closed down before

the commencement of the Industrial Disputes (West Bengal Second Amendment) Act, 1986,

(a) that such undertaking was closed dawn otherwise than on account of unavoidable circumstances beyond the control of the employer,

(b) that there are possibilities of restarting the undertaking,

(c) that it is necessary for the rehabilitation of the workmen employed in such ice-undertaking before its closure or for the maintenance of supplies and services essential to the fife or the community to restart the undertaking or both; and

(d) that the restarting of the undertaking shall not result in hardship to the employer in relation to the undertaking, it may, after giving such employer and workmen opportunity of being heard, direct, by order published in the Official Gazette, that the undertaking shall be restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

(2) Notwithstanding anything contained in sub-section. (1) the appropriate Government may, either on its own motion or on the application made by the employer and after giving the employer and the workmen an opportunity of being heard, review its order the under sub-section (1) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of sixty days from the date of such reference and, pending such award, the undertaking shall not be closed down." W.B. Act 33 of 1989, S 6 (w.e.f. 8-12-1989).

25-Q. Penalty for lay-off and retrenchment without previous permission

Any employer who contravenes the provisions of section 25M or [205][* * *] of section 25N shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

State Amendment Rajasthan

In its application to the State of Rajasthan, for S. 25-Q, substitute the following section, namely,

"25-Q. Penalty for -off and retrenchment without previous permission—Any employer who, (a) lay-off a workman without complying with the provisions of sub-section (1) or sub-section (2) of section 25-M; or

(b) contravenes an order refusing to grant permission to lay-off or to continue the lay-off of a workman under sub-section (4) of section 25-M; or

(c) contravenes such an order as is referred to in clause (b) passed as a result of review under sub-section (7) of section 25-M; or

(d) contravenes the provisions of clause (b) of sub-section (1) or sub-section (4) of section 25-N; or

(e) contravenes an order refusing to grant permission to retrench a workman under sub-section (2) or an order under sub-section (9) of section 25-N; or

(f) contravenes such an order as is referred to in clause (e) passed as a result of review under sub-section (7) or sub-section (9) of section 25-N; or

(g) contravenes the direction to reinstate a retrenched workman given under sub-section (1) of section 25-PP or such a direction given as a result of review under sub-section (3) of the said section, shall be punishable with imprisonment for a team which may extend to three months, or with fine which may extend to two thousand rupees or with both."—Rajasthan Act 8 of 1984, S. 9 (w.e.f. 14-4-1984).

25-R. Penalty for closure

(1) Any employer who closes down an undertaking without complying with the provisions of sub-section (1) of section 25-O shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) Any employer, who contravenes [206][an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-O or a direction given under section 25P], shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.

[207][* * *]

State Amendments---Madhya Pradesh

In its application to the State of Madhya Pradesh, in S. 25-R,

(a) for sub-S. (2), substitute the following sub-section, namely:

"(2) Any employer, who contravenes an order refusing to grant permission to close down an undertaking wider sub-section (3) of section 25-O or a direction given under section 25-P, shall be punishable with a imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction"; and

(b) omit sub-S. 3. —M.P. Act 32 of 1983, S. 4 (w.e.f. 28-10-1983).

State Amendments—Maharashtra

In its application to the State of Maharashtra, for S. 25-R, substitute the following section, namely:

"25-R. Penalty for closure: (1) Any employer who closes down an undertaking without complying with the provisions of subsection (1) of section 25-O shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) Any employer who contravenes a direction given under sub-section (2) of section 25-O or section 25-P shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction. -Maharashtra Act 3 of 1982, S. 4 (w.e.f. 27-10-1981).

State Amendments—Orissa

In its application to the State of Orissa, in S. 25-R,

(a) in sub-S. (2), for the words brackets, figures and letters "a direction given under sub-section (2) of section 25-O or section 25-P", substitute "an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-O or a direction given under section 25-P";

(b) omit sub-S. (3). ---Orissa Ordinance 3 of 1983, S. 4 (w.e.f. 21-10-1983).

State Amendments—Rajasthan

ln its application to the State of Rajasthan, in S. 25-R,

(a) for sub-S. (2), substitute the following sub-section, namely:

"(2) Any employer, who.: contravenes an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-O or a direction given under section 25-P, shall be punishable with an imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction"; and

(b) omit sub-S. (3). —Rajasthan Act 8 of 1984, S. 10 (w.e.f. 14-4-1984).

25-S. Certain provisions of Chapter VA to apply to an industrial establishment to which this Chapter applies

The provisions of sections 25B, 25D, 25FF, 25G, 25H, and 25J in Chapter VA shall, so far as may be, apply also in relation to an industrial establishment to which the provisions of this Chapter apply.]

State Amendments---Rajasthan

In its application to the State of Rajasthan, in S. 25-S, after the expression "provisions of this Chapter apply", add or are applied under sub-section (1-A) of section 25-K". — Rajasthan Act 8 of 1984, S. 11 (w.e.f. 14-4-1984).

State Amendments—Gujarat

In its application to the State of Gujarat, after S. 25-S, insert the following, section, namely:

"25-SS. Removal of doubt as to effect of other laws: For the removal of doubt it is hereby declared that notwithstanding anything contained in any other law for the time being in force in the State providing for settlement of industrial disputes, the rights and liabilities of employers and workmen in relation to closure shall be determined in accordance with the (provisions of this Chapter." Gujarat Act 20 of 1984, S. 2 (w.e.f. 22-10-1984).

[208][CHAPTER V-C UNFAIR LABOUR PRACTICES

25-T. Prohibition of unfair labour practice

No employer or workman or a trade union, whether registered under the Trader Unions Act, 1926 (16 of 1926), or not, shall commit any unfair labour practice.

25-U. Penalty for committing unfair labour practices

Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

State Amendment---Gujarat

In its application to the State of Gujarat, after Chapter V-C, insert the following Chapter, namely:

CHAPTER V-D

25-V. Special Provisions for Special Economic Zone: (1) The provisions and V-A shall not apply to an industrial establishment to which Chapter V-D applies,

(2) The provision of this Chapter shall apply to an industrial establishment set up in the Special Economic Zone declared as such by the Government of India.

25-W. Definitions of continuous service: For the purposes of this Chapter:

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, cessation of work which is not due to any fault on the part of the workman period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike, which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman.

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer,

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than:

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than,

(i) ninety-five days, in case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Explanation. —For the purposes of clause (2) the number of days on which a workman has actually worked under an employer shall include the days on which,

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under this Act or under any other law applicable to the industrial establishment.

(ii) he has been on leave with full wages, earned in the previous year;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.

25-X. Right of workmen laid off for compensation.—Whenever a workman (other than badly workman or a causal workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by employer for all days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty percent, of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:

Provided that if during any period of twelve months, a workman is so laid off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay off after the expiry of the first forty-five days:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to terminate the workman in accordance with the provisions contained in section 25-ZA at any time after the expiry of the first for lay-off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for termination.

Explanation: “Badli workman” means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for purposes of this section, if he completed one year of continuous service in the establishment.

25-Y. Duty of employer to maintain muster rolls of workmen. —Notwithstanding that workmen in any industrial establishment have been laid off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

25-Z. Workman not entitled to compensation in certain cases. —No compensation shall be made to a workman who has been laid off,

(i) if he refuses to accept any alternative employment in the same establishment from which he has been laid off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can

be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;

(ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;

(iii) if such laying off is due to strike or slowing down of production on the part of workmen in another part of the establishment.

25-ZA. Conditions for termination of workman:

(1) No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be terminated (otherwise then as a punishment inflicted by way of disciplinary action) by that that employer until,

(a) the workman has been given one month's notice in writing and the period of notice has expired, or the workman has been offered in lieu of such notice, wages for the aid period of the notice;

(b) the workman has been paid compensation equivalent to forty-five days salary for every completed year of continuous service in such manner as may be prescribed.

(2) Where the workman has been insured through insurance policy by the employer for the social security to receive the compensation in the case of termination, equivalent to forty-five days salary for every completed year of continuous service, the employer, instead of making payment of compensation under clause (b) of sub-section (1) shall forward all the necessary documents of such workman to the Insurance Company within fifteen days after termination.

25-ZB. Compensation to workman in case of transfer of undertaking.—Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman to who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25-ZA, as if the workman had been terminated:

Provided that nothing in this section shall apply to a workman in any case where. there has been a change of employers by reason of the transfer, if,

(a) the service of the workman has not been interrupted by such transfer.

(b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his termination, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

25-ZC. Sixty days' notice to be given of intention to close down any undertaking. —An employer who intends to dose down an undertaking, shall serve at least sixty days before the date on which the intended closure is to become effective, a notice, in manner as may be prescribed, on the State Government stating clearly the reasons for the intended closure of the undertaking.

25-ZD. Compensation to workman in case of closing down of undertaking: Where undertaking is closed down for any reason whatsoever, every workman who has been continuous service for not less than one year in that undertaking immediately before such closure shall be entitled to compensation in accordance with the provisions of section 25-ZA, as if the workman had been terminated."—Gujarat Act 12 of 2004, S.3 (w.e.f. 10-2-2004).

CHAPTER VI PENALTIES

26. Penalty for illegal strikes and lock-outs

(1) Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

27. Penalty for instigation, etc.

(1) Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. Penalty for giving financial aid to illegal strikes and lock-outs

Any person who knowingly expends or applies any money in direct furtherance or support of any illegal strike or lock-out shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

29. [209][Penalty for breach of settlement or award

Any person who commits a breach of any term of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, [210][and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first] and the Court trying the offence, if it fines the offender, may direct that the whole or any part of the

fine realised from him shall be paid, by way of compensation, to any person who, in its opinion, has been injured by such breach.]

State Amendments---West Bengal

In its application to the State of West Bengal, for S. 29, substitute the following section namely:

“29. Penalty for breach of settlement or award: Any person who commits a breach any term of settlement or award, which is binding on him under this Act, shall punishable with imprisonment for a term which may extend to six months and with a fine which may extend to fifty thousand rupees and where the breach is a continuing one, with further fine of five hundred rupees for every day during which the breach continues after the conviction for the first, and the Court trying the offence. If it fines the offender, may direct that, the whole or any part of the fine realised from him shall be paid, by way of compensation, to any person who in its opinion, has been injured by such breach. —West Bengal Act 17 of 2007 S. 4.

State Amendments—Andhra Pradesh

In its application to the State of Andhra Pradesh, after S. 29, insert the following section, namely:

“29-A. Penalty for failure to comply with an order issued under section 10-B: Any person who fails to comply with any provisions contained in an order made under sub-section (1) of section 10-B, shall he punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine:

Provided that the Court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months."—A.P. Act 32 of 1987, S. 9 (w.e.f. 27-7-1987).

State Amendments—Kerala

In its application to the State of Kerala, after S. 29, insert the following section, namely:

"29-A. Penalty for failure to comply with an order issued under section 10-B: Any person who fails to comply with any provision contained in any order made under sub-section (1) of section 10-B, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine."—Kerala Act 30 of 1979, S. 3 (w.e.f. 30-10-1979).

State Amendments—Tamil Nadu

In its application to the State of Tamil Nadu, after S. 29, insert the following section, namely:

"29-A. Penalty for failure to comply with an order issued under section 10-B: Any person who fails to comply with any provision contained in any order made under sub-section (1) of section 10-B, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine."—Tamil Nadu Act 36 of 1982, S. 3 (w.e.f. 15-10-1982).

30. Penalty for disclosing confidential information

Any person who wilfully discloses any such information as is referred to in section 21 in contravention of the provisions of that section shall, on complaint made by or on behalf of the trade union or individual business affected, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

30-A. [211]**[Penalty for closure without notice**

Any employer who closes down any undertaking without complying with the provisions of section 25FFA shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.]

State Amendments---Gujarat

In its application to the State of Gujarat, after S. 30, insert the following section, namely:

"30-A. Penalty for failure to nominate members on Council by employer.—Any employer who fails to nominate his representatives to he appointed as members of the Council within the time limit specified for the constitution of the Council under sub-section (1) of section 3-A shall, on conviction, be punishable with fine which may extend to fifty rupees and in the case of a continuing failure, with an additional tine which may extend to fifty rupees for every day during which such failure continues."—Gujarat Act 21 of 1972, S. 8 (w.e.f. 20-1-1973).

State Amendments—Rajasthan

In its application to the State of Rajasthan, after S. 30, insert the following section, namely:

30-A. Penalty for contravention of an order made wider section 10-K: Any person who contravenes an order issued by the State Government in pursuance of section 10-K of the Act shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees or with both."—Rajasthan Act 14 of 1970, S. 7 (w.e.f. 26-2-1070).

State Amendments—West Bengal

In its application to the State of West Bengal, after S. 30, insert the following section, namely:

"30-A. Insertion of new section 30-A.—Any employer who closes down any undertaking without complying with the provisions of section 25-FFA, shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to five thousand rupees."—President's Act 8 of 1971, S. 4 (w.e.f. 28-8-1971).

31. Penalty for other offences

(1) Any employer who contravenes the provisions of section 33 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for

such contravention, be punishable with fine which may extend to one hundred rupees.

STATE AMENDMENT-TRIPURA

After Section 31, a new Section 31A shall be inserted, as follows :

31-A. [212]**[Compounding of offences**

(1) Any offence punishable under Sections 25Q, 25R, 25-U, 26, 27, 28, 29, 30A and Sub-Sections (1) and (2) of Section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the table bel ow:

Sl. No.	Section	Compounding amount	
1.	25Q	25 days wages last drawn by each workman	
2.	25R	60 days wages last drawn by each workman	
3.	25U	(i) By each workman Rs.150/- per day but not exceeding Rs.3000/- in aggregate. (ii) By employer Rs.300/- per day but not exceeding the amount aggregate as shown below:	
		Number of workmen employed in the Industry	Amount not exceeding
		1 to 50	Rs. 7,000/-
		51 to 100	Rs. 10,000/-
		101 to 500	Rs. 15,000/-
		More than 500	Rs. 20,000/-
4.	26	(i) In case of illegal strike, Rs. 1501- per day by each workman but not exceeding Rs.300/- in aggregate. (ii) In case of illegal lock-out Rs.3O0/- per day by an employer but not exceeding the amount in aggregate as shown below.	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	Rs.7,000/-
		51 to 100	Rs.10,000/-
		101 to 500	Rs.15,000/-
		More than 500	Rs.20,000/-
5.	27 and 28	As per Section 26 above for illegal strike and lockout.	

6.	29	Rs.200/- per day in respect of each of the workman.			
7.	30A	25 days wages last drawn by each workman.			
8.	31(1)	Number of workmen employed in the Industry	For first offence	For the second offence	For the third offence
		1 to 50	Rs.10,000/-	Rs.15,000/-	Rs.20,000/-
		51 to 100	Rs.15,000/-	Rs.20,000/-	Rs.25,000/-
		101 to 500	Rs.20,000/-	Rs.25,000/-	Rs.30,000/-
		More than 500	Rs.30,000/-	Rs.35,000/-	Rs.40,000/-
9.	32(2)	(i) For each workman, for the first offence Rs.1000/- for the second offence Rs. 2000/- and for the third offence Rs. 3000/- (ii) For employer:			
		Number of workmen employed in the Industry	For first offence	For the second offence	For the third offence
		1 to 50	Rs.1500/-	Rs.3000/-	Rs.6,000/-
		51 to 100	Rs.3000/-	Rs.6000/-	Rs.10,000/-
		101 to 500	Rs.4000/-	Rs.8000/-	Rs.15,000/-
		More than 500	Rs.5000/-	Rs.10,000/-	Rs.20,000/-
		Provided that the State-Government may, by notification in the Official Gazette, amend the composition amount specified in the above Table. Provided further that the offence committed of the same nature shall be compoundable only for the first three offences. Provided also that such offences shall be compoundable only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further. (2) Where an offence has been compounded under Sub-Section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”			

STATE AMENDMENT – JAMMU AND KASHMIR

Insertion of new section- After section 31, insert –

31A. [213]**[Compounding of offences**

(1) Any offence punishable under sections 25Q , 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the appropriate Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below, namely:

TABLE

Sl. No.	Section	Compounding amount	
1	2	3	
1	25Q	25 days wages last drawn by each workman.	
2	25R	60 days wages last drawn by each workman.	
3	25U	(i) By each workman Rs.150/- per day but not exceeding Rs. 3000/- in aggregate; (ii) By employer Rs.300/- per day but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	Rs. 5000/-
		51 to 100	Rs. 8000/-
		101 to 500	Rs. 12000/-
		More than 500	Rs. 16000/-
4	26	(i) In case of illegal strike, Rs.150/- per day by each workman but not exceeding Rs.3000/- in aggregate; (ii) In case of illegal lock-out Rs. 300/- per day by an employer but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	Rs. 5000/-
		51 to 100	Rs. 8000/-
		101 to 500	Rs. 12000/-
		More than 500	Rs. 16000/-
5	27 and 28	As per section 26 above for illegal strike and lockout.	

6	29	Rs. 200/- per day in respect of each of the workman.			
7	30A	25 days wages last drawn by each workman.			
8	31(1)	Number of workmen employed in the industry	For first occasion	For second occasion	For third occasion
		1 to 50	Rs. 5000/-	Rs. 10,000/-	Rs. 15,000/-
		51 to 100	Rs. 8000/-	Rs. 16,000/-	Rs.24,000/-
		101 to 500	Rs. 12000/-	Rs.24,000/-	Rs.36,000-
		More than 500	Rs. 16000/-	Rs.32,000-	Rs.48,000/
9	31(2)	(i) For each workman, for the first offence Rs.1000/- for the second offence Rs.2000/- and for the third offence Rs.3000/- (ii) For employer:			
		Number of workmen employed in the industry	For first occasion	For second occasion	For third occasion
		1 to 50	Rs. 1500	Rs. 3000	Rs. 6000
		51 to 100	Rs.3000	Rs.6000	Rs.10000
		101 to 500	Rs.4000	Rs.8000	Rs.15000
		More than 500	Rs.5000	Rs.10000	Rs.20000:

Provided that the appropriate Government may, by notification in the Official Gazette, amend the compounding amount specified in the said Table:

Provided further that the offences of the same nature committed by the same offender for more than three occasions shall not be compoundable:

Provided also that such offences shall be compoundable only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then the compounding amount received from him, shall be paid to the concerned workman or equally amongst the workmen and if any workmen are not identifiable, then the remaining amount shall be deposited in such manner as may be notified by the appropriate Government.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be released/discharged.]

CHAPTER VII MISCELLANEOUS

32. Offence by companies, etc.

Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

33. [214][Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before [215][an arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute [216][or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman],

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or

(b) for any misconduct not connected with the dispute, or discharge or punish, whether by dismissal or otherwise, that workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute,

(a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending.

Explanation: For the purposes of this sub-section, a "protected workman", in relation to an establishment, means a workman who, being [217][a member of the executive or other office bearer] of a registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognised as protected workmen for the purposes of sub-section (3) shall be one per cent. of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognised as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, [218][an arbitrator, a] labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, [219][within a period of three months from the date of receipt of such application], such order in relation thereto as it deems fit:]

[220][Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing, extend such period by such further period as it may think fit:

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.]

33-A. [221][Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings

Where an employer contravenes the provisions of section 33 during the pendency of proceedings [222][before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention may, make a complaint in writing, [223][in the prescribed manner,

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred

to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.]

33-B. [224][Power to transfer certain proceedings

(1) The appropriate Government may, by order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court, Tribunal or National Tribunal and transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for the disposal of the proceeding and the Labour Court, Tribunal or National Tribunal to which the proceeding is so transferred may, subject to special directions in the order of transfer, proceed either de novo or from the stage at which it was so transferred:

Provided that where a proceeding under section 33 or section 33A is pending before a Tribunal or National Tribunal, the proceeding may also be transferred to a Labour Court.

(2) Without prejudice to the provisions of sub-section (1), any Tribunal or National Tribunal, if so authorized by the appropriate Government, may transfer any proceeding under section 33 or section 33-A pending before it to any one of the Labour Courts specified for the disposal of such proceedings by the appropriate Government by notification in the Official Gazette and the Labour Court to which the proceeding is so transferred shall dispose of the same.]

33-C. [225][Recovery of money due from an employer

(1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of [226][Chapter V-A or Chapter V-B], the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government; [227][within a period not exceeding three months:]

[228][Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.]

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a commissioner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the commissioner and other circumstances of the case.

(4) The decision of the Labour Court shall be forwarded by it to the appropriate Government and any amount found due by the Labour Court may be recovered in the manner provided for in sub-section (1).

(5) Where workmen employed under the same employer are entitled to receive from him any money or any benefit capable of being computed in terms of money, then, subject to such rules as may be made in this behalf, a single application for the recovery of the amount due may be made on behalf of or in respect of any number of such workmen.

Explanation: In this section "Labour Court" includes any court constituted under any law relating to investigation and settlement of industrial disputes in force in any State.]]

State Amendments---Andhra Pradesh

In its application to the State of Andhra Pradesh, in sub-S. (1) of S. 33-C, for the words "to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue", substitute "to the Chief Judicial to Magistrate or the Chief Metropolitan Magistrate having jurisdiction and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall proceed to realise the money as if it were a fine imposed by such Magistrate".—A.P. Act 32 of 1987, S. 10 (w.e.f. 27-7-1987).

State Amendments—Rajasthan

In S. 33-C, in sub-S. (1), after the expression "Chapter V-A", insert "or under an order issued by the State Government under section 10-K of the Act". —Rajasthan Act 14 of 1970, S. 8 (w.e.f. 26-2-1970).

State Amendments—West Bengal

In its application to the State of West Bengal,

(a) in sub-S. (1) of S. 33-C, for the words "to the Collector who shall proceed to receiver be same in the same manner as an arrear of land revenue", substitute to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate having jurisdiction and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall proceed to realise the money as it were a fine imposed by such Magistrate". —W.B. Act 57 of 1980, S. 18.

(b) after S. 33-C, insert the following section, namely:

"33-D. Recovery of money from the employer in respect of which the appropriate Government under section 2 is the, State Government: (1) Save as otherwise provided in section 33-C,

(a) where any money is due to a workman from an employer under a settlement an award or under the provisions of Chapter V-A or Chapter V-B, the workman himself any other person authorised by him in writing, on his behalf, in the case of death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the Authorised Officer for the recovery of money due to him, and if the Authorised Officer is satisfied that any money is so due, he shall issue a certificate for the amount to the Recovery Officer who shall proceed to recover the same in the manner as down in this section:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may tie entertained after expiry of the said period of one year if the Authorised Officer is satisfied that the applicant has sufficient cause for not making the application within the said period;

(b) where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should h computed, then the question may be decided by the Authorised Officer within a period not exceeding three months after giving an opportunity of hearing to the parties concerned.

Provided that where the Authorised Officer considers it necessary or expedient so to do, he may, for reasons to be recorded in writing extend such period by such further period as he may deem fit:

Provided further that if the Authorised Officer decides that any amount is due to workman from an employer, he shall issue a certificate for that amount to the Recover Officer, who shall proceed to recover the same in the manner as laid down in this section.

(2) The Recovery Officer, on receipt of a certificate issued by the Authorise Officer for the amount due to a workman from an employer, shall proceed to recover the amount specified therein from establishment or as the case may be, the employer by one or more of the modes mentioned below:

(a) attachment and sale of the movable or immovable property of the establishment or, as the case may be, the employer;

(b) arrest of the employer and his detention in prison;

(c) appointing a receiver for the management of the movable or immovable properties of the establishment or, as the case may be, the employer:

Provided that the attachment and sale of any property under this section shall first be effected against the proportion of the establishment and where such attachment and sale in insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

33-E. Recovery Officer to whom certificate is to be forwarded:

(1) The Authorised Office m. ay forward the certificate referred to in section 33-D to the Recovery Officer within whom jurisdiction the employer,

(a) carries on his industry or within whose jurisdiction the principal place of the establishment is situate; or

(b) resides or any movable or immovable property of the establishment or the employer is situating.

(2) Where an establishment or the employer has property within the jurisdiction more than one of the Recovery Officer and the Recovery Officer to whom a certificate is sent by the Authorised Officer,

(a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction; or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manlier and specifying the amount to be recoveree to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the Authorised Officer."—West Bengal Act 17 of 2007, S. 4

34. Cognizance of offences

(1) No Court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government.

(2) No Court inferior to that of [229][a Metropolitan Magistrate or a Judicial Magistrate of the first class], shall try any offence punishable under this Act.

State Amendment---Madhya Pradesh

In its application to the State of Madhya Pradesh, in S. 34, for sub-S, (2), substitute the following sub-section, namely:

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other law for the time being in force, every offence punishable under this Act and the Acts specified in the Part B of the Second Schedule shall be tried by the Labour Court within the local limits of whose jurisdiction it was committed."—M.P. Act 43 of 1981, S. 3 (w.e.f. 26-1-1982).

35. Protection of persons

(1) No person refusing to take part or to continue to take part in any strike or lock-out which is illegal under this Act shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled,

or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

36. [230][Representation of parties

(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by,

(a) [231][any member of the executive or office bearer] of a registered trade union of which he is a member;

(b) [232][any member of the executive or other office bearer] of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) where the worker is not a member of any trade union, by [233][any member of the executive or other office bearer] of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorized in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by,

(a) an officer of an association of employers of which he is a member;

(b) an officer of a federation of association of employers to which the association referred to in clause (a) is affiliated;

(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorized in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(4) In any proceeding [234][before a Labour Court, Tribunal or National Tribunal], a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and [235][with the leave of the Labour Court, Tribunal or National Tribunal, as the case may be].]

State Amendment---Maharashtra

In its application to the State of Maharashtra, to sub-S. (1) of S. 36, add the following proviso, namely:

"Provided that, where there is a recognised union for an undertaking under any law for the time being in force, no workman in such undertaking shall be entitled to be represented to as aforesaid in any such proceeding (not being a proceeding in which the legality propriety of an order of dismissal, discharge, removal, retrenchment, termination of service, or suspension of an employee is under consideration) except by such recognised union." --Maharashtra Act 1 of 1972, S. 20(2) and Sch. I, Item 6 (w.e.f. 8-9-1975).

36-A. [236][Power to remove difficulties

(1) If, in the opinion of the appropriate Government any difficulty or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court, Tribunal or National Tribunal as it may think fit.

(2) The Labour Court, Tribunal or National Tribunal to which such question is referred shall, after giving the parties an opportunity of being heard, decide such question and its decision shall be final and binding on all such parties.]

36-B. [237][Power to exempt

Where the appropriate Government is satisfied in relation to any industrial establishment or undertaking or any class of industrial establishments or undertakings carried on by a department of that Government that adequate provisions exist for the investigation and settlement of industrial disputes in respect of workmen employed in such establishment or undertaking or class of establishments or undertakings, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of this Act.].

State Exemption---Madhya Pradesh

The State Government vide Notification No. 956-02-2020-A-16 dated 05-05-2020, hereby, exempts such industries of the state from the provisions of this Act, except the provisions of Chapter V-A and Section 25-N, 25-O,25-P,25-Q, and 25-R of chapter V-B for next 1000 days from the date of publication of this notification in the Madhya Pradesh Gazette subject to condition that adequate provisions are made by such industries for the investigation and settlement of industrial disputes of the workmen employed by them. This notification shall be applicable to those new industries which will be registered in the factories act, 1948 and start production for the first time in the next 1000 days after the publication of this notification.

STATE AMENDMENT-TRIPURA

After Section 36B of the Principal Act, a new Section 36C. shall be inserted as follows-

36C. [238][State Government's power to exempt:

where the State Government is satisfied, in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that, it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial

establishment or new undertaking or class of new establishments or class of new undertakings, as the case may be.]

BIHAR AMENDMENT

In the Industrial Disputes Act, 1947, after the sub section 36 (B), the following section shall be added, namely:

36C. [239][Power to exempt new industries in public interest

Where the State Government in satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertaking that it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertaking from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be

Explanation:- For the purposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishment or new undertakings" means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Industrial Disputes (Bihar Amendment) Act, 2020.]

37. Protection of action taken under the Act

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

38. Power to make rules

(1) The appropriate Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the powers and procedure of conciliation officers, Boards, Courts, [240][Labour Courts, Tribunals and National Tribunals] including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation, the number of members necessary to form a quorum and the manner of submission of reports and awards;

(aa) [241][the form of arbitration agreement, the manner in which it may be signed by the parties, [242][the manner in which a notification may be issued under sub-section (3A) of section 10A,] the powers of the arbitrator named in the arbitration agreement and the procedure to be followed by him;

(aaa) the appointment of assessors in proceedings under this Act;]

[243][* * *]

(b) the constitution and functions of and the filling of vacancies in Works Committees, and the procedure to be followed by such Committees in the discharge of their duties;

(c) [244][the salaries and allowances and the terms and conditions for appointment of the presiding officers of Labour Courts, Tribunals and National Tribunal including the allowances admissible to members of Courts, Boards and to assessors and witnesses;]

(d) the ministerial establishment which may be allotted to a Court, Board, [245][Labour Court, Tribunal or National Tribunal] and the salaries and allowances payable to members of such establishments;

(e) the manner in which and the persons by and to whom notice of strike or lock-out may be given and the manner in which such notices shall be communicated;

(f) the conditions subject to which parties may be represented by legal practitioners in proceedings under this Act before a Court, [246][Labour Court, Tribunal or National Tribunal];

(g) any other matter which is to be or may be prescribed.

(3) Rules made under this section may provide that a contravention thereof shall be punishable with fine not exceeding fifty rupees.

(4) [247][All rules made under this section shall, as soon as possible after they are made, be laid before the State Legislature or, where the appropriate Government is the Central Government, before both Houses of Parliament.]

(5) [248][Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in [249][two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

State Amendments---Gujarat

In its application to the State of Gujarat, in S.38, sub-S. (2), after Cl. (b), insert the following clauses, namely:

"(b-1) the manner of constituting a Council and filling of vacancies therein, the number of members of such Council, and the manner of electing the representatives of workmen under sub-section (1) of section 3-A;

(b-2) the other things which a Council may do under clause (f) of sub-section (1) of section 3-B;

(b-3) the administrative functions with which a Council shall be entrusted under sub-section (3) of section 3-B;

(b-4) matters relating to which information shall be furnished to the Council by the employers under sub-section (4) of section 3-B;

(b-5) the procedure to be followed by the Council in the discharge of its duties sub-section (5) of section 3-B."--Gujarat Act 21 of 1972, S. 8 (w.e.f. 20-1-1973).

State Amendments—West Bengal

In its application to the State of West Bengal, in S. 38, sub-S. (2), after Cl. (a), insert the following clause, namely:

"(a-1) the manner and the form in which an application for certificate shall be made, the manner and the form in which a certificate is to be issued and the particulars which the certificate shall contain and the manner and the form in which an application shall be filed before a Labour Court or Tribunal, referred to in sub-section (1-B) of section 10 and the procedure to be followed by the Industrial Tribunal or the Labour Court, as the case may be, on receipt of such an application under clause (c) of sub-section (1-B) of section 10."-W.B. Act 33 of 1989, S. 7 (w.e.f. 8-12-1989).

39. [250][Delegation of powers

The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also,

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.]

40. [251][Power to amend Schedules

(1) The appropriate Government may, if it is of opinion that it is expedient or necessary in the public interest so to do, by notification in the Official Gazette, add to the First Schedule any industry, and on any such notification being issued, the First Schedule shall be deemed to be amended accordingly.

(2) The Central Government may, by notification in the Official Gazette, add to or alter or amend the Second Schedule or the Third Schedule and on any such notification being issued, the Second Schedule or the Third Schedule shall be deemed to be amended accordingly.

(3) Every such notification shall, as soon as possible after it is issued, be laid before the Legislature of the State, if the notification has been issued by a State Government, or before Parliament, if the notification has been issued by the Central Government.]

[252][THE FIRST SCHEDULE

[See Section 2(n)(vi)]

Industries which may be declared to be Public Utility Services under sub-clause (vi) of clause (n) of Section 2

1. Transport (other than railways) for the carriage of passengers or goods [253][by land or water;]
2. Banking;
3. Cement;
4. Coal;
5. Cotton textiles;
6. Foodstuffs;
7. Iron and steel;
8. Defence establishments;
9. Service in hospitals and dispensaries;
10. Fire brigade service;
11. [254][India Government Mints;
12. India Security press;]
13. [255][Copper Mining;
14. Lead Mining;
15. Zinc Mining;]
16. [256][Iron Ore Mining;]
17. [257][Service in any oil-field;]
18. [258][x x x x x;]
19. [259][Service in uranium industry;]
20. [260][Pyrites mining;]
21. [261][Security Paper Mill, Hoshangabad;]
21. [262][Aeronautical. Engineering industry.]
22. [263][Services in the Bank Note Press, Dewas;]
23. [264][Phosphorite mining;]
24. [265][Magnesite Mining;]

25. [266][Currency Note Press;]

26. [267][Manufacture or production of mineral oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like;]

27. [268][Service in the Airports Authority of India;]

28. [269][Industrial establishments manufacturing or producing nuclear fuel and components, heavy water and allied chemicals and atomic energy;]

29. [270][Processing or production of fuel gases (coal gas, natural gas and the like);]

30. [271][Manufacturing of Alumina and Aluminium; and

31. Mining of Bauxite;]

STATE AMENDMENTS

[Andhra Pradesh]: In its application to the State of Andhra Pradesh, omit item 9 of the First Schedule: A.P. Act 22 of 1968, S. 3 (w.e.f. 30-11-1968).

(1) Oxygen and acetylene industry—A.P. Gaz., dt. 4-3-1965, Pt. I, p. 396.
(3) Detonators manufacturing—A.P. Gaz., dt. 26-8-1965, Pt. I, p. 1781.
(4) Lamination-industry,
(5) Polyster industry,
(6) Phenolic resin industry,
(7) Moulding powder manufacturing industry—A.P. Gaz., dt. 28-1-1966, Pt. I, Ext., p. 1.
(8) Printing industry—A.P. Gaz., dt. 17-1-1967, Ext.
(9) Special purpose machine manufacturing industry—A.P. Gaz., dt. 8-8-1968, pt p. 1977.
(11) Manufacturing, Marketing and Distribution of Petroleum Products Industry_ A.P. Gaz., dt. 30-11-1966, Pt. I, p. 2072.
(13) Dairy farming—A.P. Gaz., dt. 8-8-1968, Pt. I, p. 1477.
(15) Manufacturing pressure vessels, heat exchangers industry—A.P. Gaz dt_ 24 4 1972, Ext. p. 2.
(16) Chorine production industry—A.P. Gaz., dt. 24-4-1972, Pt. 1, Ext., p. 2.
(17) Nitrocellulose paints industry—A.P. Gaz., dt. 16-1-1974, Pt. I,. p. 33.
(18) Industries connected with manufacture of guided missiles and other like items—A.P. Gaz., dt. 24-4-1975, Pt. I, Ext, p. 348.
(19) Manufacture, marketing and distribution of petroleum products—A.P. Gaz. dt. 13-3-1968, Pt. I, Ext., p. 21.
(23) Electrical Equipment Corporation, Sanath-Nagar, Hyderabad—A.P. Gaz., dt. 5-4-1979, Pt. I, Ext., p. 1.
(30) Hydrogen gas industry—A.P. Gaz., dt. 18-2-1982, Pt. I, p. 204.
(31) Mishra Dhatu Nigam Ltd. industry—A.P. Gaz., dt. 22-2-1983, Pt. I, p. 1.
(32) Industry carried on by the National Airports Authority in the State of Andhra Pradesh—A.P. Gaz., dt. 22-10-1991, Pt. I, Ext., p. 1.
(33) Industry carried on by the Liquidated Petroleum Gas Cylinders Manufacturing in State of Andhra Pradesh—A.P. Gaz., dt. 26-2-1992, Pt. I, Ext., p. 1.
(34) Industry carried on—of the manufacturing of instant coffee powder.
(35) Industry carried on by Ferro-Scrap Nigam in the State of Andhra Pradesh.
(36) Industry carried on by B.H.E.L. Corporate Research and Development Divisions in the State of Andhra Pradesh—A.P. Gaz., dt. 4-5-1993, Pt. I, Ext., p. 1.

(37) Industry carried on by Marine and Communication Electronics (India) Ltd. in the State of Andhra Pradesh.

(39) Services carried on by the Airport Authority of India (National Airports Division in the State of Andhra Pradesh—A.P. Gaz., dt. 29-5-1995, Pt. I, Ext., p. 1.

[Assam]: 10-A. Oxygen and acetylene industry—Assam Gaz., dt. 30-3-1966, Pt. 11-A, p. 725.

10-B. Manufacture, marketing and distribution of petroleum products—Assam Gaz d t. 30-3-1966, Pt. H-A, p. 725.

10-C. Chemical fertilizer industry—Assam Gaz., dt. 8-11-1967, Pt. II-A, p. 2487.

1. Iron and steel factories.

2. Services in all hospitals and dispensaries.

3. All flour, rice and oilmills—Assam Gaz., dt. 11-2-1970, Pt. II-A, p. 350.

19. Electric conductors—Assam Gaz., dt. 26-5-1971, Pt. II-A, p. 2487.

[Bihar]

1. Lead smelter industry—Bihar Gaz., dt. 5-10-1966, Pt. II-A, Ext., p. 2873.
2. Fertilizer industry—Bihar Gaz., dt. 16-5-1967, Pt. II-A, Ext., p.1666.
3. Copper reduction works—Bihar Gaz., dt. 27-3-1968, Pt. II-A, Ext.
4. Manufacturing, marketing and distribution of petroleum products Bihar Gaz.; d t. 11-9-1968, Pt. 11, p. 1876.
5. Manufacture, assembling and repairing of automobiles: Bihar Gaz., dt. 11-9-1976.
6. Manufacture, assembling and repairing of minor vehicles of all types.
7. Manufacture of motor vehicles, engines, parts and accessories--. Bihar Gaz., dt. 28-12-1968, Ext.
9. Explosive industry-Bihar Gaz., dt. 3-11-1971, Pt. 11, p. 1660.
10. Ceramic and refractories industry—Bihar Gaz., dt. 12-5-1973 Ceramic Ext. (No. 571).
11. Transportation of petroleum products by pipe lines with all their installations and stations--Bihar Gaz., dt. 26-11-1975, Pt. II-A, p. 1660.
12. Aluminium industry---Bihar Gaz., dt. 3-3-1987, Pt.11, p.197.
15. Slag granulation industry.—Bihar Gaz., dt. 11-3-1987, Pt. 11, p. 218.
16. Metallurgical and Engineering Consultant (MECON) India Ltd. industry—Bihar Gaz., dt. 8-7-1987, Pt. II, p. 7-B (No. 27).

[Delhi].---Chemical fertilizer industry—Del. Gaz., dt. 12-4-1967, Pt. IV, p. 146.

Export-oriented Units in Delhi, the entire production of which is exported—Del. Gaz., dt. 8-7-1994,1't. IV, Ext., p.-1.

[Goa]--Service/Employment in manufacture of cement pipes and articles—Goa Gaz., dt. 27-8-1987, p. 283.

Service in National Airports Authority—Goa Gaz., dt. 16-8-1991, p. 217. Distribution of essential commodities and consumer goods to the members and the general public by the Co-operative Societies—Goa Gaz., dt. 21-9-1995, p. 247.

[Gujarat]

11. Oxygen and acetylene.

12. Manufacture, marketing and distribution of petroleum products.—Guj. Gaz., dt. 8-8-1968, Pt. I-L., p. 1675.

13. Rayon spinning industry—Guj. Gaz., dt. 8-8-1968, Pt. 1-L, p. 1674.

14. Printing Industry—Guj. Gaz., 1972, Pt. 1-L, p. 6166.

15. Gujarat Polyster "Filament Yarn" Industry—Guj. Gaz., dt. 8-7-1982, Pt. 1-L, P. 1160.

25. Any Industry in relation to which the State Government is the appropriate Government and the entire production of which is exported—Guj. Gaz., dt. 27-7-1982, Pt. I-1., p. 1200.

26. Gujarat rat State Warehousing Corporation--Guj. Gaz., dt. 17-1-1985, Pt. I-L, p. 1920.
27. Gujarat Carbon Black Industry.
28. Gujarat State Civil Supplies Corporation----Gui. Gaz., dt. 11-4-1985, Pt. I-L, 10975.
[Haryana]
25. Oxygen Manufacturing Industry- -Har. Gaz., dt. 14-7-1981, Pt. I, p. 1470.
26. Service in National Airports Authority—Har. Gaz., dt. 9-10-1991, Ext., p. 1734.
27. Any industry in relation to which the State Government is the appropriate Government and is 100 per cent export-oriented unit in the State of Haryana—Har. Gaz., dt. 14-7-1995, Ext., p. 1254. **[Himachal Pradesh]:** Manufacture marketing distribution of petroleum products--H.P. Gaz., 1967, Ext., p. 670, H.P. Gaz., dt. 29-3-1969, Pt. I, p. 808.
Service in National Airports Authority—H.P. Gaz., dt. 1-6-1991, Ext., p. 1226.
[Jammu and Kashmir]: J&K. Gaz., dt. 13-1-1973, Pt. I-B.
13. Manufacture, marketing and distribution of petroleum products J&K. Gaz., dt. 11-11-1972,, Pt. I-B, Ext.
[Karnataka]:
11. Oxygen and Acetylene- Inserted by Mysore Act, 6 of 1968, S. 8 (w.e. 31-8-1968).
12-13. Textile Industry, Pharmaceutical Industry.
14. Mysore Fertilizer Industry—Mys. Gaz., dt. 21-4-1966, Pt. IV, S. 2(ii), p. 1158.
15. Manufacture, marketing and distribution of petroleum products—Mys. dt. 16-11-1967, Pt. IV-2C(ii), p. 5235.
16. Engineering Industry (Manufacturing Machine Tools)—Mys. Gaz., dt. 27-2-Pt. IV, S. 2-C(ii), p. 1101.
19. Service in the Uranium Industry.
20. Mysore Special Machine Manufacturing Industry—Mys. Gaz.. dt. 9-7-1%8, S. 2-C(ii), p. 3487.
21. Aeronautical Engineering Industry—Mvs. Gaz., dt. 3-10-1968, Pt. II, S. 2 p. 4444.
22. Mysore Dairy Industry—Mys. Gaz., dt. 22-5-1969, Pt. IV, S. 2-C(h), p. 2348.
23. Aluminium Industry—Mys. Gaz., dt. 1-3-1973, Pt. IV, S. 2-C(h), p. 1028.
24. Graphite Industry—Karn. Gaz., dt. 31-7-1975, Pt. IV, S. 2-C(h), p. 4322.
25. Industry generating power—Karn. Gaz., dt. 1-10-1981, Pt. W, S. 2(h), p.
30. Elevator Industry (Maintenance and Service Sections)—Karn. Gaz., dt. Pt. IV, S. 2-C(ii), p. 3363.
32. National Airports Authority—Karn. Gaz., dt. 24-12-1992, Pt. IV, S. 2-C(ii), p. 3363.
[Kerala].—Fertilizer Industry, Kerala—Ker. Gaz., dt. 6-7-1975, Pt. 1, p. 2080.
21. All export-oriented units and all other units incidental thereto in Export Processing Zone—Ker. Gaz., dt. 17-1-1985, Ext., p. 1.
28. Service in National Airports Authority—Ker. Gaz., dt. 27-7-1991, Ext., p. 1
29. Electric Industry in Technopark Kariyavattorn, Thiruvananthapurarr Pktric Ker. Gaz., dt. 17-1-1995, Ext., p. 1.
30 Lower Periyar Dam Works at the said project site—Ker. Gaz., dt. 23-6-1995, Ext., p.1.
31. Service in Airports Authority of India—Ker. Gaz., dt. 11-9-1995, Ext., p. 1.
[Madhya Pradesh].—Oxygen and acetylene—M.P. Gaz., dt. 12-6-1987, Pt. I, p. 1259.
Services in National Airports Authority—M.P. Gaz., dt. 20-9-1991, Pt. I, p. 1477.
[Maharashtra]: 11. Oxygen and acetylene.
12. Mineral oil (crude oil), motor oil, aviation spirit, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and their blends including synthetic fuels, lubricating oils and the like.

13. Vaccines.
14. Sera.
15. Antibiotics.
16. Catgut—Mah. Act 2 of 1963, S. 3 (4-1-1963).
17. Chemical fertilizer industry.
18. Production, supply and distribution of petroleum products—Mah. Ga. dt. 10-8-1967, Pt. I-L, p. 3269.
19. Rayon spinning industry—Mah. Gaz., dt. 26-12-1968, Pt. 1-L, p. 3260.
20. Industry engaged in the assembly and manufacture of aircraft and the components—Mah. Gaz., dt. 13-11-1980, Pt. 1-L, Ext., p. 9150.
21. Industry engaged in manufacture of nylon and polyster filament yarn—Mah. Gaz., dt. 10-7-1969, Pt. 1-L, p. 3726.
22. Poultry farming—Mah. Gaz., dt. 10-7-1969, 1972, Pt. 1-L, p. 634.
23. Fresh yeast manufacturing, animal feed manufacturing industry:Mah. Gaz., dt. 15-3-1973, Pt. I-L, p. 2765.
24. Basic heavy organic chemicals:Mah. Gaz., dt. 18-4-1977, Ext., Pt. I-L p. 143.

[Manipur]: Manufacture, trading, marketing and distribution of petroleum products:Mani. Gaz., dt. 23-11-1969, Ext., p.2.

[Meghalaya]: Service in the National Airports:Megha. Gaz., dt. 30-5-1991, Pt. V-A, p.236.

[Orissa]

1. Iron and Steel Products.
2. Crucibles.
3. Fertilizers.
4. Refractories.
5. Aluminimum and aluminimum products.
6. Ferro-manganese.
7. Paper.
8. Electric goods.
9. Construction Projects of State Government.
10. Newspaper establishments.
11. Blood Bank: Ori. Gaz., dt. 18-8-1965, Pt. III, p. 881.
12. Printing Presses: Ori. Gaz., dt. 10-12-1965, Pt. III, p. 1828.
13. Manufacture, marketing and distribution of petroleum products.
14. Chemical Industry: Ori. Gaz., dt. 22-3-1968, Pt. III, p. 265.
15. Aeronautical Industry: Ori.Gaz., dt. 14-8-1969, Pt. III, p.
16. Ferro-sillicon: Ori. Gaz., dt. 18-7-1969, Pt. III, p. 697.
17. Explosive Industry: Ori. Gaz., dt 20-2-1970, Pt. III, p.
32. Ferro-Chrome Industry-:Ori. Gaz., dt. 27-9-1970, Pt. III, p.65.
20. National Airports Authority: Ori. Gaz., dt. 21-8-1991, Ext., p.1.
28. Charge Chrome Industry: Ori. Gaz., dt. 26-6-1995, Ext., p.1.

[Pondicherry].---Manufacture, marketing and distribution of petroleum products-- Pondi. Gaz., di. 8-6-1969, p. 299.

[Punjab]---11. Chemical fertilizer industry----Puni. Gaz., tit. 8-11-1967, Pt. 1, p. 1059.
12. Manufacture, marketing and distribution of petroleum products---Punj. dt. 29-8-1968, Pt. 1, p. 441.
22. Employment in sports goods agency—Punj. Gaz., dt, 8-84968, Pt.1, Ext. p. 319.
23. Employment in electricity generation and supply---Punj. Gaz., tit.2-8-1968, Pt. Ext. p. 315.

24. Processing and marketing of agricultural produce—Punj. Gaz.„ cit. 19-1-19%), Ext., p.45.
25. Production and distribution of essential agricultural implements including insecticides—Punj. Gaz., --dt. 16-7-1982, Pt. I, p. 1754.
26. National Airports Authority Punj. Gaz., dt. 4-10-1991, Pt.111 (LS), p. 427.
27. Any industry in relation to which the State Government is the appropriate Government and the entire production of which is exported—Punj. Gaz., dt. 27-5-1994, Pt. III (LS), p. 193.

[Rajasthan]--17. manufacture, marketing and distribution of petroleum products—Raj. Gaz., dt. 4-11-1967, Pt. IV (Ga), Ext., p. 685.

18. Manufacture and delivery of oxygen gas—Raj. Gaz., dt. 26-9-1969, Pt. IV (Ga), Ext., p. 1046.
19. Works at Khetri Copper Project, Khetri Nagar – Raj. Gaz,. Dt. 23-12-1972, pt. I (Kha), Ext., P. 1.
20. Works on Rajasthan Canal Project -- Raj. Gaz., dt. 26-4-1973, Pt. IV (Ga), P. 79.
21. Works on Chambal Project – Raj. Gaz., dt. 26-4-1973, Pt. IV (Ga), P.79.
22. Works on Mahi Bajaj Sagar Project – Raj. Gaz., dt. 26-4-1973, Pt. IV (Ga), P.79.
23. Chemical and fertilizer industry – Raj. Gaz., dt. 3-5-1972, pt. I (Gha) , P. 23.
24. Warehousing – Raj. Gaz., dt. 7-4-1980, pt. IV (Ga), Ext., P. 417.
25. Works in dairy plants—Raj. Gaz., dt. 7-4-1980, Pt. IV (Gha), Ext., p. 1.
26. Works in chilling centres---Raj. Gaz., dt. 7-4-1980, Pt. IV (Gha), Ext., p. 1.
27. Works in milk produces co-operative unions—Raj. Gaz. Dt. 7-4-1980, Pt. IV (Gha), Ext., p.1.
28. All hundred per cent export-oriented units with an investment of Rs. 10 crore and above—Raj. Gaz., dt. 31-3-1995, Pt. IV (Gha), Ext., p. 59.

[Tamil Nadu]

11. Leather.
12. Oxygen and acetylene T.N. Act, 9 of 1963,S. 3 (24-5-1963).

Manufacture, marketing and distribution of petroleum products--G.O.Ms. 1320, dt. 17-4-1967.

Rayon, nylon and other synthetic fibre industry T.N. Gaz., dt. 13-5-1970, Pt. II, S. 1, p. 809.

Heavy chemicals industry---T. N. Gaz., di. 9-9-1970, Pt. II, S. 2, p. 1440.

Industry in manufacture of steam generation equipments like pressure boilers, valves and fillings, pressure vessels and package boilers ---- T.N. Gaz., dt. 2-12-1970, Pt. 11, S. 1, p. 1783.

Production of aluminium—T.N. Gaz., dt. 27-6-1973, Pt. 11, S. 1, p. 324.

Surgical and pharmaceutical industry—T.N. Gaz., d t. 23-3-1980, Pt.II, S. 2, p. 198.

Heat exchangers—G.O.Ms. 2627, dt.18-11-1980. Magnesite processing industry—C.O.Ms. 1533, d t.16-7-1981.

Electric goods manufacturing---T.N. Gaz., dt. 13-4-1983, Pt. II, S. 2, p. 301.

Establishments engaged in manufacture, distribution and service of vertical transportation equipments—G.O.Ms. 1206, d t. 20-5-1983.

Madras Export Processing Zone—T.N. Gaz., dt.13-11-1985, Pt. II, S. 2, p. 860 (No. 44).

Manufacture of Boiler Auxiliaries for high pressure boilers---T.N. Gaz., 29-10-1986, Pt. II. S. 2, p. 760 (No. 42).

Any banking service in the Co-operative Sector----T.N. Gaz., dt. 24-6-1992, Pt. II, S. 2, p. 334 (No. 25).

Service in National Airports Authority—T.N. Gaz., dt. 10-7-1991, Pt. II, S.2, p. 473 (No. 26).

All industrial gases other than oxygen and acetylene manufacturing industry—T.N. Gaz., dt. 28-10-1992, Pt. 11, S. 2, p. 612.
Industrial units whose entire production is exported—T.N. Gaz., dt. 8-6-1994, Pt, S. 2, p. 490.
The hundred per cent. export-oriented units approved by the Government of India and the units set up in the Export Processing Zones established with the approval of the Government of India—T.N. Gaz., dt. 8-12-1994, Pt. II, S. 2, Ext., p. 1.
Industrial establishments in the public sectors and all co-operative in registered under the Tamil Nadu Co-operative Societies Act, 1983 engaged in procurement, storage and distribution of essential commodities—C.O.Ms. 1961, cit. 16-8-1983 and T.N. Gaz., dt. 21-12-1994, PHI, S. 2, p. 1250.
Airport Authority of Indian (National Airports Division)---T.N. Gaz., dt. 30-5-1995, Pt. II, S.2, Ext., p.1.
Service of the maintenance staff in the project offices of Sipcot Industrial Complexes in the State—T.N. Gaz., dt. 9-8-1995, Pt. II, S.2, p. 665.
[Tripura]: Service in National Airport Authority—Tri. Gaz., dt. 25-6-1991, Pt. I,Ext., p.3.
Service in Airports Authority of India—Tri.Gaz., dt. 2-8-1995, Pt. I, Ext., p. 1.
[West Bengal]
11. Oxygen and acetylene—W.B. Act 25 of 1961, S. 8.
12. Fertilizer—Cal. Gaz., dt. 25-1-1968, Pt. I, p. 183.
13. Manufacture, marketing and distribution of petroleum products—Cal. Gaz., dt. 28-1-1968, Pt. I, p. 183.
14. Yeast-Cal. Gaz., dt. 28-3-1968, Pt. I, p. 715.
15. Distillery industry-- Cal. Gaz., dt. 28-3-1968, Pt. I, p. 715.
16. Any service or construction undertakings in connection with construction work in any port or dock area-- Cal. Gaz., dt. 14-11-1974, Pt. I, p. 742.
17. Battery Manufacturing—Cal. Gaz., dt. 4-11-1974, Pt. I, p. 1807.
18. Graphite products—Cal. Gaz., di. 5-12- I 974, Pt, p. 2074.
19. Chemical—Cal. Gaz., dt. 28-10-1976, Pt. I, p. 2796.
20. Pharmaceutical—Cal. Gaz., dt. 2840-1976, Pt. I, p. 2796.
21. Godown or any premises used for storing articles solely for export to foreign countries—Cal. Gaz., dt. 28-10-1976, Pt. p. 2796.

THE SECOND SCHEDULE

[See Section 7]

Matters within the jurisdiction of Labour Courts

1. The propriety or legality of an order passed by an employer under the standing orders;
2. The application and interpretation of standing orders;
3. Discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;
5. Illegality or otherwise of a strike or lock-out; and
6. All matters other than those specified in the Third Schedule.

State Amendment: [Madhya Pradesh]: In its application to the State of Madhya Pradesh, the Second Schedule shall be renumbered as Part-A thereof and in the Second Schedule, after Part-A, as to be renumbered insert the following, namely:

PART-B

[See section 7(1-A))

CENTRAL ACTS OFFENCES WHEREUNDER TRIABLE BY LABOUR COURT

1. The Trade Unions Act, 1926.
2. The Payment of Wages Act, 1936.
3. The Factories Act, 1948.
4. The Minimum Wages Act, 1948.
5. The Employees' State Insurance Act, 1948.
6. The Employees' Provident Fund and Miscellaneous Provisions Act, 1952.
7. The Working Journalists and other Newspaper Employees (Conditions of Service) an Miscellaneous Provisions Act, 1955.
8. The Motor Transport Workers Act, 1961.
9. The Maternity Benefits Act, 1961.
10. The Payment of Bonus Act, 1965.
11. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
12. The Contract Labour (Regulation and Abolition) Act, 1970.
13. The Payment of Gratuity Act, 1972.
14. The Sales Promotion Employees (Conditions of Service) Act, 1976.
15. The Equal Remuneration Act, 1976.
16. The Inter-State Migrant Workmen (Regulation of Employment and Condition; Service) Act, 1979".-See M.P. Act 43 of 1981, S. 3(v) (w.e.f. 26-1-1982).

THE THIRD SCHEDULE

[See Section 7-A]

Matters within the jurisdiction of Industrial Tribunals

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Rules of discipline;
9. Rationalisation;
10. Retrenchment of workmen and closure of establishment; and
11. Any other matter that may be prescribed.

THE FOURTH SCHEDULE

[See Section 9-A]

Conditions of Service for change of which notice is to be given

1. Wages, including the period and mode of payment;
2. Contribution paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the workmen under any law for the time being in force;
3. Compensatory and other allowances;
4. Hours of work and rest intervals;
5. Leave with wages and holidays;
6. Starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Withdrawal of any customary concession or privilege or change in usage;
9. Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders;
10. Rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment of workmen;
11. Any increases or reductions (Other than casual) in the number of person employed or to be employed in any occupation or process or department or shift [272][not occasioned by circumstances over which the employer has no control.]]

[273][THE FIFTH SCHEDULE

[See Section 2(ra)]

Unfair Labour Practices

I On the part of employers and trade unions of employers

1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say:
   - (a) threatening workmen with discharge or dismissal, if they join a trade union;
   - (b) threatening a lock-out or closure, if a trade union is organised;
   - (c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union at organisation.
2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say:
   - (a) an employer taking an active interest in organising a trade union of his workmen; and

(b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.

3. To establish employer-sponsored trade unions of workmen.

4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say:

   (a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union;

   (b) discharging or dismissing a workman for taking part in strike (not being a strike Which is deemed to be an ill strike under this Act);

   (c) changing seniority rating of workmen because of trade union activities;

   (d) refusing to promote workmen to higher posts on account of their trade union activities;

   (e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;

   (f) discharging office-bearers or active members of the trade union on account of their trade union activities.

5. To discharge or dismiss workmen:

   (a) by way of victimisation;

   (b) not in good faith, but in the colourable exercise of the employer's rights;

   (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;

   (d) for patently false reasons;

   (e) on untrue or trumped up allegations of absence without leave;

   (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;

   (g) for misconduct of a minor technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.

6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.

7. To transfer a workman mala fide from one place to another, under the guise of following management policy.

8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.

9. To show favouritism or partiality to one 'set' of workers regardless of merit.
10. To employ workmen as "badlis", casuals or temporaries and to the them as such for years, with the object of depriving them of in status and privileges of permanent workmen.
11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute.
12. To recruit workmen during a strike which is not an illegal strike.
13. Failure to implement award, settlement or agreement.
14. To indulge in acts of force or violence.
15. To refuse to bargain collectively, in good faith with the recognised trade unions.
16. Proposing or continuing a lock-out deemed to be illegal under this Act.

II On the part of workmen and trade unions of workmen

1. To advice or actively support or instigate any strike deemed to be illegal under this Act.
2. To coerce workmen in the exercise of their right to self-organisation or to join a trade union or refrain from joining any trade union, that is to say:
   (a) for a trade union or its members to picketing in such a manner that non-striking workmen are physically debarred from entering the work places;
   (b) to indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff.
3. For a recognised union to refuse to bargain collectively in good faith with the employer.
4. To indulge in coercive activities against certification of a bargaining representative.
5. To stage, encourage or instigate such forms of coercive actions as wilful "go slow", squatting on the work premises after working hours or "gherao" of any of the members of the managerial or other staff.

   [274][Explanation: For the purpose of this paragraph, ‘go slow’ means any such activity by any number of persons, employed in any industry, acting in combination or with common understanding, to slow down or to delay the process of production or work purposely whether called by work to rule or by any other name so as the fixed or average or normal level of production or work or output of workman or workmen of the establishment is not achieved:

   Provided that all necessary ingredients or inputs for standard quality production or work are made available in time and in sufficient quantity.”]

6. To stage demonstrations at the residences of the employers or the managerial staff members.

7. To incite or indulge in wilful damage to employer's property connected with the industry.

8. To indulge in acts of force or violence or to hold out threats of intimidation against any workman. with a view to prevent him from attending work.]

State Amendment - Punjab

In the principal Act, in Fifth Schedule, in part II, after paragraph 5, the following Explanation shall be added, namely:-

[275]**[Explanation**.- For the purpose of this paragraph, 'go slow' means any such activity by any number of persons, employed in any industry, acting in combination or with common understanding, to slow down or to delay the process of production or work purposely whether called by work to rule or by any other name, so as the fixed or average or normal level of production or work or output of workman or workmen of the establishment is not achieved:

Provided that all necessary ingredients or inputs for standard quality production or work are made available in time and in sufficient quantity]

1 Subs. by Act 36 of 1956, s. 2, for the sub-section (1) (w.e.f. 29-8-1956).
2 Proviso omitted by Act 51 of 1970, s. 2 and Sch. (w.e.f. 1-9-1971).
3 Certain words and figures inserted by Act 10 of 1963, s. 47 and Sch. II, Pt. II have been omitted by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).
4 The words "by the Federal Railway Authority" omitted by the A. O. 1948.
5 Ins. by Act 65 of 1951, s. 32.
6 The words "operating a Federal Railway" omitted by the A. O. 1950.
7 Ins. by Act 47 of 1961, s. 51 and Sch. II, Pt. III (w.e.f. 1-1-1962).
8 Subs. by Act 36 of 1964, s. 2, for "the Deposit Insurance Corporation established" (w.e.f. 19-12-1964).
9 Subs. by Act 45 of 1971, s. 2 (w.e.f. 15-12-1971).
10 Subs. by Act 46 of 1982, s. 2 (w.e.f. 1-1-1962).
11 Substituted by Act 24 of 1996, S.2, for "the Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948)" (w.e.f. 11-10-1995).
12 The words and figures "or the 'Indian Airlines' and 'Air India' Corporation Act, 1953 (27 of 1956)" omitted by Act 24 of 1996, S.2 (w.e.f. 11-10-1995).
13 Substituted by Act 24 of 1996, S.2, for "the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959)" (w.e.f. 11-10-1995).
14 Substituted by Act 24 of 1996, S.2, for "the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971 (43 of 1971)" (w.e.f. 11-10-1995).
15 Inserted by Act 53 of 1987, S.56 and Sch.II, Pt. III (w.e.f. 9-7-1988).
16 Substituted by Act 54 of 1959, S. 3, for "a mine oil-field".
17 Substituted by Act 24 of 1996, S.2, for "a banking or an insurance company" (w.e.f. 11-10-1995).
18 Inserted by Act 36 of 1996, S.2, (w.e.f. 18-12-1964).
19 Subs. by Industrial Disputes (Amendment) Act No. 24 of 2010. [w.e.f. 15-9-2010].
20 Inserted by Act 36 of 1996, S.2, (w.e.f. 18-12-1964).
21 Inserted by Act 43 of 1953, S.2 (w.e.f. 24-10-1953).
22 Cl. (aa) re-lettered as (aaa) by Act 36 of 1964, S.2 (w.e.f. 19-12-1964).
23 Substituted by Act 36 of 1956, S.3, for Cl. (b) (w.e.f. 10-3-1957).
24 Substituted by Act 38 of 1959, S.64 and Sch.III, Pt. II, for CL (bb). Earlier CL. (bb) was inserted by Act 54 of 1949, S.3.
25 The short title now reads as "the Banking Regulation Act, 1949".
26 Inserted by Act 28 of 1981, S.40 and Sch. II, Pt. II (w.e.f. 1-1-1982).
27 Inserted by Act 62 of 1984, S. 71 and Sch. III, Pt. II (w.e.f. 20-3-1985).
28 The words "the Industrial Bank of India" omitted by Act 53 of 2003, S. 12 and Sch. (w.e.f. 2-7-2004).
29 Inserted by Act 39 of 1989, S.53 and Sch. II.
30 Substituted by Act 5 of 1970, S. 20, for "and any subsidiary bank" (w.e.f. 19-7-1969).
31 Substituted by Act 40 of 1980, S.20, for certain words (w.e.f. 15-4-1980).
32 Inserted by Act 46 of 1982, S. 2 (w.e.f. 21-8-1984).
33 Inserted by Act 65 of 1951, S. 32.
34 Cl. (eee) omitted by Act 36 of 1964, S.2 (w.e.f. 19-12-1964). Earlier Cl. (eee) was inserted by Act 43 of 1953, S.2.

35 Substituted by the A. O. 1948, for "a Government in British India".
36 Inserted by Act 45 of 1971, s. 2 (w.e.f. 15-12-1971).
37 Cl. (h) defining "Federal Railway" omitted by the A. O. 1950.
38 Ins. by Act 18 of 1952, s. 2.
39 On the enforcement of Cl. (c) of S. 2 of Act 46 of 1982, Cl. (j) shall stand substituted as under: "[(j) "industry" means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,
(i) any capital has been invested for the purpose of carrying on such activity; or
(ii) such activity is carried on with a motive to make any gain or profit, and includes—(a) any activity of the Dock Labour Board established under section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948); (b) any activity relating to the promotion of sales or business or both carried on by an establishment, but does not include—(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.
Explanation. —For the purposes of this sub-clause, "agricultural operation" does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the' Plantations Labour Act, 1951; or
(2) hospitals or dispensaries; or (3) educational, scientific, research or training institutions; or (4) institutions owned or managed by organisation wholly or substantially engaged in any charitable, social or philanthropic service; or (5) khadi or village industries; or (6) any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space; (7) any domestic service; or (8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or (9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten.]"
40 Inserted by Act 46 of 1982, S.2 (w.e.f. 21-8-1984).
41 Inserted by Act 54 of 1949, s. 3 (w.e.f. 14-12-1949).
42 Cl.(kka) re-lettered as Cl. (kkb) and Cl. (kka) inserted by Act 46 of 1982, S.2 (w.e.f. 21-8-1984).
43 Cl.(kka) re-lettered as Cl. (kkb) and Cl. (kka) inserted by Act 46 of 1982, S.2 (w.e.f. 21-8-1984).
44 Inserted by Act 36 of 1956, S.3 (w.e.f. 10-3-1957).
45 Inserted by Act 43 of 1953, S.2 (w.e.f. 24-10-1953).
46 Substituted by Act 46 of 1982, S.2, for "or for any other reason" (w.e.f. 21-8-1984)
47 Substituted by Act 46 of 1982, S. 2, for certain words (w.e.f. 21-8-1984).
48 Inserted by Act 36 of 1964, S. 2 (w.e.f. 19-12-1964).
49 Inserted by Act 36 of 1956, S. 3 (w.e.f. 10-3-1957).
50 Inserted by Act 45 of 1971, S. 2 (w.e.f. 15-12-1971).
51 Inserted by Act 36 of 1964, S. 2 (w.e.f. 19-12-1964).
52 Inserted by Act 36 of 1964, S. 2 (w.e.f. 19-12-1964).
53 Substituted by Act 36 of 1964, S. 2, for "Schedule" (w.e.f. 19-12-1964).
54 Now see the Railways Act, 1989 (24 of 1989).
55 Inserted by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).
56 Inserted by Act 49 of 1984, s. 2 (w.e.f. 18-8-1984).
57 Substituted by Act 36 of 1956, s. 3, for cl. (p) (w.e.f. 7-10-1956).
58 Inserted by Act 35 of 1965, s. 2 (w.e.f. 1-12-1965).
59 Inserted by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).
60 Substituted by Act 18 of 1957, s. 2, for cl. (r) (w.e.f. 10-3-1957).
61 Inserted by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).
62 Inserted by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).
63 Inserted by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).
64 Substituted by Act 46 of 1982, s. 2, for Cl. (w. e. f. 21-8-1984).
65 Substituted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S. 2(ii), for "one thousand six hundred rupees" (w.e.f. 15-9-2010).
66 Inserted by Act 35 of 1965, s. 3 (w.e.f. 1-12-1965).
67 S.2-A renumbered as sub-S. (1) thereof by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S.3 (w.e.f. 15-9-2010).
68 Inserted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S.3 (w.e.f. 15-9-2010).
[69] Substituted by Madhya Pradesh Labour Law (Amendment) and Miscellaneous provisions Act, 2015, Dated 27 November 2015.
[70] Substituted by Notification No. 8/3/2020-LA dated 26-06-2020.
[71] Inserted by Notification No. 8/3/2020-LA dated 26-06-2020.
72 Added by No.21/73/2019-4L/1134, Dated 11-08-2020.
73 Substituted by The Tripura Ordinance No. 5 of 2020, Dated 21-08-2020.
74 Inserted by The Tripura Ordinance No. 5 of 2020, Dated 21-08-2020.
75 Substituted by Notification No. S.O. 3465(E), dated 05-10-2020.
76 Substituted by Act 36 of 1956, s. 4, for s. 7 (w.e.f. 10-3-1957).
77 Inserted by Act 36 of 1964, s. 3 (w.e.f. 19-12-1964).
78 Cl. (c) Omitted by Act 46 of 1982, s. 3 (w.e.f. 21-8-1984).
79 Clauses (a) and (b) re-lettered as (d) and (e) respectively by Act 36 of 1964, s. 3 (w.e.f. 19-12-1964).
80 Clauses (a) and (b) re-lettered as (d) and (e) respectively by Act 36 of 1964, s. 3 (w.e.f. 19-12-1964).
81 Inserted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S. 4 (w.e.f. 15-9-2010).
82 Inserted by Act 46 of 1982, s. 4 (w.e.f. 21-8-1984).
83 Inserted by Act 36 of 1964, S.4 (w.e.f. 19-12-1964).
84 The word "or" omitted by Act 46 of 1982, S.4 (w.e.f. 21-4-1984).

85 Inserted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S.5 (w.e.f. 15-9-2010).
86 Inserted by Act 46 of 1982, s. 5 (w.e.f. 21-8-1984).
87 Substituted by Act 36 of 1956, s. 5, for ss. 8 and 9 (w.e.f. 10-3-1957).
88 Chap.II-A consisting of Ss. 9-A and 9-B, inserted by Act 36 of 1956, S.6 (w.e.f. 10-3-1957).
89 Substituted by Act 46 of 1982, S.6, for certain words (w.e.f. 21-8-1984).
90 Substituted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S.6, for Chap.II-B (w.e.f. 15-9-2010).
91 Substituted by Act 18 of 1952, s. 3, for "If any industrial dispute exists or is apprehended, the appropriate Government may".
92 Substituted by Act 36 of 1956, s. 7, for cl. (c) (w.e.f. 10-3-1957).
93 Substituted by s. 7, ibid., for "Provided that" (w.e.f. 10-3-1957).
94 Inserted by Act 46 of 1982, s. 8 (w.e.f. 21-8-1984).
95 Inserted by Act 36 of 1956, s. 7 (w.e.f. 10-3-1957).
96 Substituted by s. 7, ibid., for "or Tribunal" (w.e.f. 10-3-1957).
97 Inserted by Act 46 of 1982, s. 8 (w.e.f. 21-8-1984).
98 Substituted by Act 36 of 1956, s. 7, for "or Tribunal" (w.e.f. 10-3-1957).
99 Inserted by Act 18 of 1952, s. 3.
100 Substituted by Act 36 of 1956, s. 7, for "a Tribunal" (w.e.f. 10-3-1957).
101 Substituted by Act 36 of 1956, s. 7, for "a Tribunal" (w.e.f. 10-3-1957).
102 Substituted by Act 36 of 1956, s. 7, for "a Tribunal" (w.e.f. 10-3-1957).
103 Inserted by Act 36 of 1956, S.7 (w.e.f. 10-3-1957).
104 Inserted by Act 36 of 1964, s. 5 (w.e.f. 19-12-1964).
105 Inserted by Act 46 of 1982, s. 8 (w.e.f. 21-8-1984).
106 Inserted by Act 36 of 1964, s. 6 (w.e.f. 19-12-1964).
107 Substituted by Act 36 of 1964, s. 6, for "fourteen days" (w.e.f. 19-12-1964).
108 Inserted by Act 36 of 1964, s. 6 (w.e.f. 19-12-1964).
109 Inserted by Act 36 of 1964, s. 6 (w.e.f. 19-12-1964).
110 Substituted by Act 36 of 1956, s. 9, for sub-section (1) (w.e.f. 10-3-1957).
111 Substituted by s. 9, ibid., for "Court or Tribunal" (w.e.f. 10-3-1957).
112 Substituted by Act 36 of 1956, s. 9, for "and Tribunal" (w.e.f. 10-3-1957).
113 Substituted by Act 36 of 1956, s. 9, for "and Tribunal" (w.e.f. 10-3-1957).
114 Substituted by Act 46 of 1982, s. 9, for certain words (w.e.f. 21-8-1984).
115 Inserted by Act 36 of 1956, S.9 (w.e.f. 17-9-1956).
116 Substituted by Act 46 of 1982, s. 9, for certain words (w.e.f. 21-8-1984).
117 Substituted by s. 9, ibid., for sub-sections (5) to (7) (w.e.f. 10-3-1957). Sub-S. (7) was inserted by Act 48 of 1950, S. 34 and Sch.
118 Inserted by Act 48 of 1950, s. 34 and Sch.
119 Substituted by Act 36 of 1956, s. 9, for "Tribunal" (w.e.f. 10-3-1957).
120 Substituted by Act 46 of 1982, S.9, for “Sections 480, 482 and 484 of the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 21-8-1984).
121 Inserted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S.7 (w.e.f. 15-9-2010).
122 Inserted by Act 45 of 1971, s. 3 (w.e.f. 15-12-1971).
123 Inserted by Act 35 of 1965, s. 4 (w.e.f. 1-12-1965).
124 Substituted by Act 36 of 1956, s. 10. for "or Tribunal" (w.e.f. 10-3-1957).
125 Inserted by Act 36 of 1956, s. 10 (w.e.f. 10-3-1957).
126 Inserted by Act 36 of 1964, s. 8 (w.e.f. 19-12-1964).
127 Substituted by Act 36 of 1956, s. 11. for "or Tribunal" (w.e.f. 10-3-1957).
128 Substituted by Act 40 of 1951, s. 6, for "of the notice under section 22".
129 Substituted by Act 36 of 1956, s. 12, for ss. 15, 16, 17 and 17A (w.e.f. 10-3-1957). S. 17-A was inserted by Act 48 of 1950, s. 34 and Sch.
130 Inserted by Act 46 of 1982, S.11 (w.e.f. 21-8-1984).
131 Inserted by Act 36 of 1956, s. 13 (w.e.f. 10-3-1957).
132 Substituted by Act 36 of 1964, s. 9, for "An arbitration award" (w.e.f. 19-12-1964).
133 S. 18 renumbered as sub-section (3) of that section by Act 36 of 1956, s. 13 (w.e.f. 7-10-1956).
134 Ins. by Act 36 of 1964, s. 9 (w.e.f. 19-12-1964).
135 Substituted by Act 48 of 1950, s. 34 and Sch., for "an award which is declared by the appropriate Government to be binding under sub-section (2) of section 15".
136 Inserted by Act 36 of 1956, s. 13 (w.e.f. 10-3-1957).
137 Inserted by Act 36 of 1964, s. 9 (w.e.f. 19-12-1964).
138 Substituted by s. 13, ibid., for "or Tribunal" (w.e.f. 10-3-1957).
139 The words “arrived at in the course of a conciliation proceeding under this Act” omitted by Act 36 of 1956, s. 14 (w.e.f. 7-10-1956).
140 Substituted by Act 48 of 1950, s. 34 and Sch., for sub-section (3).
141 Inserted by Act 36 of 1956, s. 14 (w.e.f. 10-3-1957).
142 Substituted by s. 14, ibid., for "to a Tribunal" (w.e.f. 10-3-1957).
143 Substituted by s. 14, ibid., for "to a Tribunal" (w.e.f. 10-3-1957).
144 The words "subject to the provision for appeal" omitted by s. 14, ibid. (w.e.f. 10-3-1957).
145 Inserted by Act 36 of 1964, s. 10 (w.e.f. 19-12-1964). The former sub-section (7) was omitted by Act 36 of 1956, s. 14 (w.e.f. 17-9- 1956).
146 Substituted by Act 36 of 1956, s. 15, for "or Tribunal" (w.e.f. 10-3-1957).
147 Substituted by s. 15, ibid., for “before a Tribunal" (w.e.f. 10-3-1957).
148 Substituted by s. 15, ibid., for “reference of a dispute for adjudication" (w.e.f. 10-3-1957).
149 Substituted by Act 18 of 1952, s. 4, for certain words and figures.
150 Substituted by Act 36 of 1956, s. 16, for "or Tribunal" (w.e.f. 10-3-1957).
151 Substituted by Act 36 of 1956, s. 16, for "or Tribunal" (w.e.f. 10-3-1957).
152 Substituted by Act 36 of 1956, s. 16, for "or Tribunal" (w.e.f. 10-3-1957).
153 Substituted by s. 16, ibid., for “Court or Tribunal" (w.e.f. 10-3-1957).

[154] Inserted by Himachal Pradesh Ordinance No. 4 of 2020 dated 09-07-2020.
[155] Inserted by Himachal Pradesh Ordinance No. 4 of 2020 dated 09-07-2020.
156 Substituted by Act 36 of 1956, s. 17, for "a Tribunal" (w.e.f. 10-3-1957).
157 The word “or" omitted by Act 36 of 1964, s. 11 (w.e.f. 19-12-1964).
158 Inserted by s. 11, ibid. (w.e.f. 19-12-1964).
159 Inserted by Act 36 of 1964, s. 12 (w.e.f. 19-12-1964).
160 Inserted by Act 36 of 1964, s. 12 (w.e.f. 19-12-1964).
161 Substituted by Act 36 of 1956, s. 18, for "or Tribunal" (w.e.f. 10-3-1957).
162 Inserted by Act 36 of 1964, s. 12 (w.e.f. 19-12-1964).
163 Inserted by Act 43 of 1953, s. 3 (w.e.f. 24-10-1953).
164 Substituted by Act 32 of 1976, s. 2, for "shall not apply--" (w.e.f. 5-3-1976).
165 Substituted by Act 48 of 1954, s. 2, for the former Explanation (w.e.f. 1-4-1954).
166 Substituted by Act 36 of 1964, s. 3, for s. 25-B (w.e.f. 19-12-1964).
167 Substituted by Act 35 of 1965, s. 5, for the former section 25-C (w.e.f. 1-12-1965).
168 Omitted by Act 49 of 1984, s. 3 (w.e.f. 18-8-1984).
169 Substituted by Act 36 of 1964, s. 14, for "for every completed year of service" (w.e.f. 19-12-1964).
170 Inserted by s. 14, ibid. (w.e.f. 19-12-1964).
[171] Substituted by Madhya Pradesh Labour Law (Amendment) and Miscellaneous Provisions Act, 2015
[172] 172Substituted by Madhya Pradesh Labour Law (Amendment) and Miscellaneous Provisions Act, 2015
[173] Inserted by Himachal Pradesh Ordinance No. 4 of 2020 dated 09-07-2020.
174 Substituted by Act 36 of 1964, s. 14, for "for every completed year of service" (w.e.f. 19-12-1964).
175 Substituted by Notification No. S.O. 3465(E), dated 05-10-2020.
176 Substituted by Act 36 of 1964, s. 14, for "for every completed year of service" (w.e.f. 19-12-1964).
177 Substituted by Act 18 of 1957, s. 3, for the former section (w.e.f. 28-11-1956). S. 25FF was inserted by Act 41 of 1956, s. 3.
178 Inserted by Act 32 of 1972, s. 2 (w.e.f. 14-6-1972).
179 Substituted by Act 45 of 1971, s. 4, for the original Explanation (w.e.f. 15-12-1971).
180 Ins. by s. 4, ibid. (w.e.f. 15-12-1971).
181 Substituted by Act 36, of 1964, s. 15, for "completed year of service" (w.e.f. 19-12-1964).
182 Substituted by s. 16, ibid. for certain words (w.e.f. 19-12-1964).
183 Substituted by s. 17, ibid., for the proviso (w.e.f. 19-12-1964).
184 Chap. V-B added by Act 32 of 1976, S. 3 (w.e.f. 5-3-1976).
185 Substituted by Act 46 of 1982, s. 12, for “three hundred” (w.e.f. 21.8.1984).
186 Substituted by Bihar Ordinance No. 07, 2020 dated 02-07-2020.-2020.
187 Substituted by Madhya Pradesh Labour Law (Amendment) and Miscellaneous Provisions Act, 2015
188 Substituted by Himachal Pradesh Ordinance No. 4 of 2020 dated 09-07.
189 Substituted by GUJARAT ORDINANCE NO. 5 OF 2020, dated 03-07-2020.
190 Inserted by GUJARAT ORDINANCE NO. 5 OF 2020, dated 03-07-2020.
191 Substituted by the Notification Karnataka Ordinance No.15 OF 2020 dated 31-07-2020.
192 Substituted by the Notification Karnataka Ordinance No.15 OF 2020 dated 31-07-2020.
193 Substituted by No.21/73/2019-4L/1134, Dated 11-08-2020.
194 Substituted by Notification No. S.O. 3465(E), dated 05-10-2020.
195 Substituted by Act 49 of 1984, s. 4 (w.e.f. 18.8.1984).
196 Substituted by Act 49 of 1984, S.4, for sub-Ss. (2) to (5) (w.e.f. 18-8-1984).
197 Re-numbered by Act 49 of 1984, s. 4 (w.e.f. 18.8.1984).
198 Deleted by GUJARAT ORDINANCE NO. 5 OF 2020, dated 03-07-2020.
199 Added by GUJARAT ORDINANCE NO. 5 OF 2020, dated 03-07-2020.
200 Omitted by No.21/73/2019-4L/1134, Dated 11-08-2020.
201 Added by No.21/73/2019-4L/1134, Dated 11-08-2020.
202 Substituted by Act 46 of 1982, s. 14 (w.e.f. 21.8.1984).
203 Added by GUJARAT ORDINANCE NO. 5 OF 2020, dated 03-07-2020.
204 Added by No.21/73/2019-4L/1134, Dated 11-08-2020.
205 Omitted by Act 49 of 1984, s. 6 (w.e.f. 18.8.1984).
206 Substituted by Act 46 of 1982, s. 15 (w.e.f. 21.8.1984).
207 Omitted by s. 15, ibid. (w.e.f. 21-8-1984).
208 Inserted by s. 16, ibid. (w.e.f. 21.8.1984).
209 Substituted by Act 36 of 1956, s. 20, for s. 29 (w.e.f. 17-9-1956).
210 Inserted by Act 35 of 1965, s. 6 (w.e.f. 1-12-1965).
211 Inserted by Act 32 of 1972, s. 3 (w.e.f. 14-6-1972).
212 Inserted by The Tripura Ordinance No. 5 of 2020, Dated 21-08-2020.
213 Inserted by Notification No. S.O. 3465(E), dated 05-10-2020.
214 Substituted by Act 36 of 1956, s. 21, for s. 33 (w.e.f. 10-3-1957).
215 Inserted by Act 36 of 1964, s. 18 (w.e.f. 19-12-1964).
216 Inserted by Act 36 of 1964, s. 18 (w.e.f. 19-12-1964).
217 Substituted by Act 45 of 1971, s. 5, for "an officer" (w.e.f. 15-12-1971).
218 Inserted by Act 36 of 1964, s. 18 (w.e.f 19-12-1964).
219 Substituted by Act 46 of 1982, s. 17 (w.e.f. 21-8-1984).
220 Inserted by Act 46 of 1982, s. 17 (w.e.f. 21.8.1984).
221 Inserted by Act 48 of 1950, s. 34 and Sch.
222 Substituted by Act 46 of 1982, s. 18 (w.e.f. 21.8.1984).
223 Substituted by Act 46 of 1982, s. 18 (w.e.f. 21.8.1984).
224 Inserted by Act 36 of 1956, s. 23 (w.e.f. 10-3-1957).

225 Substituted by Act 36 of 1964, s. 19, for S. 33-C (w.e.f. 19-12-1964).
226 Substituted by Act 32 of 1976, s. 4, for "Chapter VA" (w.e.f. 5-3-1976).
227 Inserted by Act 46 of 1982 s. 19 (w.e.f. 21-8-1984).
228 Inserted by Act 46 of 1982 s. 19 (w.e.f. 21-8-1984).
229 Substituted by s. 20, ibid. (w.e.f. 21.8.1984).
230 Substituted by Act 48 of 1950, s. 34 and Sch., for s. 36.
231 Substituted by Act 45 of 1971, s. 6 (w.e.f. 15-12-1971).
232 Substituted by Act 45 of 1971, s. 6 (w.e.f. 15-12-1971).
233 Substituted by Act 45 of 1971, s. 6 (w.e.f. 15-12-1971).
234 Substituted by Act 36 of 1956, s. 24, for "before a Tribunal" (w.e.f.10-3-1957).
235 Substituted by s. 24, ibid., for “with the leave of the Tribunal" (w.e.f. 10-3-1957).
236 Inserted by Act 36 of 1956, s. 25, ibid. (w.e.f. 10-3-1957).
237 Inserted by Act 46 of 1982, s. 21 (w.e.f. 21-8-1984).
238 Inserted by The Tripura Ordinance No. 5 of 2020, Dated 21-08-2020.
239 Inserted by BIHAR ACT 15, 2020 dated 18-11-2020.
240 Substituted by Act 36 of 1956, s. 24, for "before a Tribunal" (w.e.f. 10-3-1957).
241 Inserted by Act 36 of 1956, s. 26 (w.e.f. 10-3-1957).
242 Inserted by Act 36 of 1964, s. 20 (w.e.f. 19-12-1964).
243 Cl. (ab) omitted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S. 8(i) (w.e.f. 15-9-2010).
244 Substituted by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010), S. 8(ii), for Cl. (c) (w.e.f. 15-9-2010).
245 Substituted by Act 36 of 1956, s. 26, for “or Tribunals" (w.e.f. 10-3-1957).
246 Substituted by Act 36 of 1956, s. 26, for “or Tribunals" (w.e.f. 10-3-1957).
247 Inserted by Act 36 of 1956, s. 26 (w.e.f. 10-3-1957).
248 Inserted by Act 36 of 1964, s. 20 (w.e.f. 19-12-1964).
249 Substituted by Act 32 of 1976, s. 5, for certain words (w.e.f. 5-3-1976).
250 Substituted by Act 36 of 1956, s. 27, for s. 39 (w.e.f. 17-9-1956).
251 Substituted by Act 36 of 1964, s. 21, for s. 40 (w.e.f. 19-12-1964), which was inserted by Act 36 of 1956, s. 28. Original s. 40 was rep. by Act 35 of 1950, s. 2 and Sch. I.
252 Schedule substituted as First Schedule to Fourth Schedule by Act No. 36 of 1956, S.29, w.e.f. 10-3-1957.
253 Substituted for the words “by land, water or air” by Act No. 36 of 1964, s. 22, w.e.f. 19-12-1964.
254 Added by SO No. 21.93, dated 30-6-1965.
255 Added by SO No. 1444, dated 3-5-1966.
256 Added by SO No. 726, dated 21-2-1967.
257 Added by SO No. 1776, dated 10-5-1967.
258 Item 18 omitted by Act No. 45 of 1971, s. 7.
259 Added by Gazette of India, dated 27-4-1968.
260 Added by SO No. 2061, dated 30-5-1970.
261 Added by Gazette of India.
262 Added by Karnataka Gazette, dated 3-10-1968.
263 Added by SO No. 4697, dated 26-11-1976.
264 Added by SO No. 47, dated 17-12-1976.
265 Added by SO No. 2474, dated 4-9-1980.
266 Added by SO No 946, dated 7-3-1981.
267 Added by SO N 4207 dated 20-11-1984.
268 Substituted b S 0 1808(E), dated 5-8-2011.
269 Added by SO No. 967, dated 8-4-1995.
270 Added by S.O. 997(E), dated 29-8-2003
271 Sl. Nos. 30 and 31 added by S.O. 1431(E), dated 27-6-2012.
272 Substituted for the words “not due to forced matters” by Act No. 36 of 1964, s. 23, w.e.f. 19-12-1964.
273 Fifth Schedule inserted by Ad No. 46 of 1982, s. 23, w.e.f. 21-8-1984
274 Added by Act No.12 of Industrial Disputes (Andhra Pradesh Amendment) Act, 2015.
275 Added by No.21/73/2019-4L/1134, dated 11-08-2020.