

Industrial Disputes (Tamil Nadu Amendment) Act, 1997

TAMILNADU

India

Industrial Disputes (Tamil Nadu Amendment) Act, 1997

Act 8 of 1998

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Industrial Disputes (Tamil Nadu Amendment) Act, 1997(Tamil Nadu Act 8 of 1998)Statement of Objects and Reasons - Industrial Disputes (Tamil Nadu Amendment) Act, 1997 (Tamil Nadu Act 8 of 1998). - Sub-section (2) of section 2-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) was inserted by the Industrial Disputes (Tamil Nadu Amendment) Act, 1981 (Tamil Nadu Act 5 of 1981), so as to enable the individual workman to apply to the Labour Court for adjudication of such dispute where no settlement is arrived at in the course of any conciliation proceeding taken under the said Act in regard to that individual.² The Labour Courts have already been vested with powers to adjudicate on matters falling under Schedule II to the said Act. In addition, these Courts are disposing of claim petitions filed under section 33-C(2) of the said Act. The Labour Courts are also appellate authorities under section 6 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946). The introduction of new sub-section (2) in section 2-A of the 1947 Act had resulted in filing a large number of petitions in the Labour Courts and these Labour Courts are burdened with the additional work of adjudicating upon the disputes raised by the individual workman directly. This has resulted in delay in the disposal of such cases and in turn receipt of several representations. Likewise, the Industrial Tribunal has also been vested with powers to adjudicate on matters falling under the Third Schedule to the said Act. The cases specified in the Third Scheduled are of important and major in nature conferring benefits to all or the major portion of the workers and, therefore, these cases need be disposed of quickly.³ In the interest of expeditious disposal of cases and to ensure quick and time bound remedy to the working class, the Government have considered that the Joint Secretary to Government in the Law Department, and the Joint Commissioner of Labour having a degree in Law of a University established by law in any part of India, with not less than three years experience as such, officer is also made eligible for the appointment of Presiding Officers in Labour Courts and Industrial Tribunals and, the Government have accordingly decided to amend the Industrial Disputes Act, 1947 (Central Act XIV of 1947) in its application to the State of Tamil Nadu.⁴ The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 14th October 1997. Received the assent of the President on the 26th March 1998 and first published in Part IV-

Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 2nd April 1998. An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Tamil Nadu. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Industrial Disputes (Tamil Nadu Amendment) Act, 1997. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of section 7.

- In section 7 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) (hereinafter referred to as the principal Act), in subsection (3), - (1) in clause (e), the word "or" shall be added at the end; (2) after clause (e), the following clause shall be added, namely: - "(f) he has, for a period of not less than three years, been an officer of the Government of Tamil Nadu not below the rank of Joint Secretary to Government in Law Department or Joint Commissioner of Labour, having a degree in Law of a University established by law in any part of India."

3. Amendment of section 7-A.

- In section 7-A of the principal Act, in sub-section (3), - (1) in clause (aa), the word "or" shall be added at the end; (2) after clause (aa), the following clause shall be inserted, namely: - "(aaa) he has, for a period of not less than three years, been an officer of the Government of Tamil Nadu not below the rank of Joint Secretary to Government in Law Department or Joint Commissioner of Labour having a degree in Law of a University established by law in any part of India."