

Industrial Disputes (Tamil Nadu Amendment) Act, 1982

TAMILNADU

India

Industrial Disputes (Tamil Nadu Amendment) Act, 1982

Act 36 of 1982

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Industrial Disputes (Tamil Nadu Amendment) Act, 1982(Tamil Nadu Act 36 of 1982)Statement of Objects and Reasons - Industrial Disputes (Tamil Nadu Amendment) Act, 1982 (Tamil Nadu Act 36 of 1982). - In the interest of maintaining industrial peace, public order and supplies and services essential to the life of the community, it is considered desirable that when industrial disputes are referred to Courts or Tribunals under section 10(1) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government should have necessary power to require the employers or the workmen or both to observe such terms and conditions of employment as may be specified by the Government and to require any public utility service not to close the said service till such time as the Courts or Tribunals pass their awards. It has, therefore, been decided to vest the Government with the necessary power in this regard.2. The Bill seeks to achieve the above.Please see Part IV, Section 1, page 176 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th March 1982.Received the assent of the President on the 12th July 1982 and published in Part IV-Section 2 of the Tamil Nadu Government Extraordinary, dated the 16th July 1982.An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Tamil Nadu.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third 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, 1982.(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. Insertion of new section 10-B in Central Act XIV of 1947.

- After section 10-A of the Industrial Disputes Act, 1949 (Central Act XIV of 1947) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:-"10-B. Power to

issue order regarding 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 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, they may, by general or special order, make provision-(a)for requiring 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 persons 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 orders; and(c)for any incidental or supplementary matters 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 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 of 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."

3. Insertion of new section 29-A in Central Act XIV of 1947.

- After section 29 of the principal Act, the following section shall be inserted, 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."