THE INDUSTRIAL DISPUTES (KARNATAKA AMENDMENT) ACT, 1987.

ARRANGEMENT OF SECTIONS

Sections:

- 1. Short title and commencement.
- 2. Amendment of section 10.
- 3. Insertion of new section 10B.
- 4. Amendment of section 11.
- 5. Amendment of section 25K.

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STATEMENT OF OBJECTS AND REASONS

Act 5 of 1988.- It is considered necessary to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947),-

- (i) to enable an individual workman to apply to the labour court for adjudication of a dispute falling under section 2A of the Act without any reference by the Government;
- (ii) to empower the State Government to issue order regarding the observance of conditions of employment by the employees and employers of a public utility service pending settlement of any dispute, in order to secure public safety or convenience or maintenance of public order or supplies or services essential to the community etc.;
- (iii) to empower the conciliation officer to summon and examine any person or inspect any document for the purposes referred to in section 11(4) of the Act;
- (iv) to take power to apply section 25-O and 25-R even to an industrial establishment of a seasonal character which has employed not less than 100 workers.

Hence this Bill.

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KARNATAKA ACT No. 5 OF 1988.

(First published in the Karnataka Gazette Extraordinary on the Seventh day of April, 1988)

THE INDUSTRIAL DISPUTES (KARNATAKA AMENDMENT) ACT, 1987.

(Received the assent of the President on the Eleventh day of February, 1988)

An Act further to amend the Industrial Disputes Act, 1947 in its application to the State of Karnataka.

WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947) in its application to the State of Karnataka;

BE it enacted by the Karnataka State Legislature in the Thirty-eighth year of the Republic of India as follows:-

- **1. Short title and commencement.-** (1) This Act may be called the Industrial Disputes (Karnataka Amendment) Act, 1987.
 - (2) It shall come into force at once.
- **2. Amendment of section 10.-** In the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the principal Act), in section 10, after sub-section (4), the following sub-section shall be inserted namely:-
- "(4A) Notwithstanding anything contained in the section 9C and in this section, in the case of a dispute falling within the scope of section 2A, 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 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 under sub-section (4A), 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".
- **3. Insertion of new section 10B.-** After section 10A of the principal Act, the following section shall be inserted namely:-
- "10B. 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 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 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 than those which were applicable to them at any time within the 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), 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."
- **4. Amendment of section 11.-** For sub-section (4) of section 11 of the principal Act, the following sub-section shall be substituted, namely:-
- "(4) A Conciliation Officer may, if he considers that any document or the testimony of any 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 on 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 vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 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.
- (4A) Whoever refuses or fails to attend or take part in a conciliation proceedings or fails or refuses to produce the documents in pursurance of an order issued under subsection (4), shall, on conviction, be punishable with imprisonment for a period which may extend to three months or with fine which may extend to five hundred rupees or with both."
- **5. Amendment of section 25K.-** In section 25K of the principal Act, after subsection (1), the following sub-section shall be inserted, namely:-
- "(1A) 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

section 25-O and section 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".

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