



XL Technologies

Industrial Dispute Act 1947

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Introduction

Industrial Dispute Act, 1947 Come into force on **1st April 1947** and **extends to the whole of India**. It enables just and equitable settlement of disputes by **negotiations, conciliations, mediation, arbitration, adjudication**.

It **denounces strikes** and **lockouts**.

An Industrial Dispute refers to any sort of **disagreement** or **conflict** that arises between employer and employee due to **difference of opinions** on the terms of employment.

History

1.) Employer and workmen Dispute Act, 1860

Magistrate has power to settlement for wages dispute related to wages for Railways & Other Public workers

Breach of Contract was deem **Criminal Offence**.

2.) Rule 81 of defense of India Rules, 1942

Certain emergency rules to

- To **prohibited Strike** & **Lockout** unless reasonable notice
- To refer dispute to **Conciliation** & **Adjudication**
- Employer **follows their terms and condition** to reduce the disputes
- To **Enforce decision** of Adjudication
- Cannot strike** between **14 days** after giving the **notice**.
- No Strike** during the **pendency** of **conciliation** & Adjudication

3.) Industrial Dispute Act 1947

- Added main provision** of rules 81 in this act
- Dispute means any dispute related work.

Objective

- Maintain harmony** and **good relation** between **employer and employee**

- Handle dispute**, **prevent illegal strikes**, **collective bargaining**, **relief to workmen**

- To **provide just** and **equitable settlement of disputes** by **negotiation**, **conciliation**, **mediation**, **arbitration**, **adjudication**.

Definition

- ❖ Appropriate Government
- ❖ Collective Bargaining
- ❖ Arbitrator
- ❖ Lock-out & Strike
- ❖ Average Pay
- ❖ Retrenchment
- ❖ Employee & Employer
- ❖ Public Utility Service
- ❖ Industrial Dispute
- ❖ Unfair Labour Practices
- ❖ Code of Discipline
- ❖ Award
- ❖ Tripartite Machinery
- ❖ Average Pay
- ❖ Workers Participation
- ❖ Conciliation Officer
- ❖ Adjudication
- ❖ Work Committee
- ❖ Settlement

Appropriate Government

Under the authority of the **Central Government**

- ❖ **Railway Company**
- ❖ **A dock Labour Board** (the Dock Workers (Regulation of Employment) Act, 1948)
- ❖ **Industrial Finance Corporation of India** (Registered under the Companies Act, 1956)
- ❖ **The Board of Trustee of Coal Mines PF & Miscellaneous Act 1948**
- ❖ **Indian Airlines, LIC , ESIC**
- ❖ **Deposit Insurance and Credit Guarantee Corporation**
- ❖ **The Central Warehousing Corporation established** (the Warehousing Corporations Act, 1962)
- ❖ **The Unit Trust of India established**
- ❖ **The Food Corporation of India established**
- ❖ **Board of Management established for two or more contiguous States**
- ❖ **Regional Rural Bank established**
- ❖ **Export Credit and Guarantee Corporation Limited**
- ❖ **Industrial Reconstruction Bank of India Limited**
- ❖ **The National Housing Bank established** (the National Housing Bank Act, 1987)
- ❖ **Air Transport Service**
- ❖ **Banking or Insurance Company**
- ❖ **Mine. Oil-Field, A Cantonment Board**
- ❖ **Major Port, Air India**
- ❖ **Oil & Natural Gas**

Award

Means an Interim or a final Determination of any Industrial Dispute

- Given by any **Labour court, Industrial Tribunal** or **National Industrial Tribunal** and Include an **arbitration award**.

Employer

Industry under **Central** or **State Government** (**Authority** or if no authority then **Head of Department**)
Local authority (**Chief Executive Officer**)

Independent Person

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;

Industry

1. Any business undertaking **Trade, Manufacturing** or **calling of employers** including any **calling, service, employment, handicraft**, or **industrial occupation** or **avocation** of worker.
2. Includes **municipality, educational inst.** runned by municipal co-operation.
3. **Do not include hospital** runned by **govt.**

Industrial Dispute

Any dispute or **difference** between

- ❖ **Employer & Employer**
- ❖ **Employer & Workmen**
- ❖ **Workmen & Workmen**

Connected with

- ❖ **Employment**
- ❖ **Non-employment**
- ❖ **Terms of The Employment**
- ❖ **Condition of Employment**

Settlement

- A settlement arrived in the course of the **conciliation process** Includes **written agreement**
- **Signed by both parties**
- **Copy to be sent** to an **officer authorized** in this behalf by the appropriate govt and conciliation officer .

Workmen

Any person employed in industry (Including Apprentice)

To do **Manual, Unskilled, Skilled, Technical, Operational, Clerical** or **Supervisory Work**

For hire or reward, whether the terms of employment be **expressed** or **implied**

Includes any person **dismissed, discharged** or **retrenched**

Does Not Include: Police, Army, Navy Force, Any Employees of Prison, Managerial or **Administrative Capacity**, in **Supervisory Capacity** earning **more than Rs. 10000** monthly

Retrenchment

Do not applicable to

1. **Voluntary Retirement** of worker on **reaching age of Superannuation**.
2. Termination of the service, or **Non-Renewal** or **Expiry of Contact**
3. Termination due to continued **ill health**.

Retrenchment compensation is eligible for **15 days wages for every completed years** or part in **excess of six months**. (**240 Day WD in Year**)
Retrenched workmen given preference for reemployment and given intimation to workman or union **10 days before filling up the vacancy**.

Strike

A **cessation of the work** by a body of **person employed** in any industry acting in combination

- Or a **concerted refusal**, or a **refusal** under **common understanding** Of **any number of persons** who are or have been so employed to continue to work or to accept employment

Type of Strike

1. **Stay-in/Sit down/Pen down/ Tool Down strike** – Sitting on their seats but refuse to work and present in Office.
2. **Go Slow Strike** – Do not completely stop work but slow down the speed to cause losses to the employer.
3. **Stay Away Strike** – Stay away from work place and organize rallies, demonstrations.
4. **Token/Protest Strike** – Do not work for short period like hour or day
5. **Work to rule Strike** – Work more than minimum requirement as mentioned in their contracts, working during intervals, weekends or extended hours which in turn lower down the productivity and efficiency of the organization
6. **Hunger Strike** – Employees observe fast in order to attract attention of employer to their grievance.
7. **Wild Cat or Lightning Strike** – Without the permission of Union, it is unofficial strike and responsibility of Union to stop such a strike.
8. **Secondary Strikes** – Union Protest is not against the employer but third party that share a good relationship with the employer.
9. **Sympathetic Strike** - Not having any issue with their employer but they support to the employees who are sitting on strike for the some other case.

Individual is deemed to be in Industrial dispute

- ❖ Employer **Dismisses, Discharge, Retrenches** or **Terminates** the individual
- ❖ A workman **can go directly** to **Labour Court** or **Tribunal** only after the expiry of 45 days from the date he has made an **Application** to **Conciliation officer**, if in the meantime issue is not resolved.
- ❖ Workmen should make an application **within expiry of 3 years** of **Dismissal, Discharge, Retrenchment, Termination**

Wages

All remuneration being expressed in terms of money, payable to workmen in respect of employment **Includes:-**

- ❖ **DA**
- ❖ Value of **house of accommodation**
- ❖ Supply of **light, water, medical attendance, concessional rate** of **food grains or other amenity**
- ❖ Any **Traveling Concession**
- ❖ Any **Commission** Payable on the promotion of sales or business or both

Do Not Includes:-

- Any bonus**
- Contribution** to **PF** and **Pension Fund**
- Gratuity payable**

Unfair Labour Practices

- Any unfair labour practices as prescribed in the **Fifth schedule**
- Some **actions/practices** carried out **with bad faith** and with **purpose to harm** other practices

Lay-off

- **Failure, Refusal** or **Inability of an employer**
- On account of **shortage of coal, power** or **raw materials** or the **accumulation of Stock, Nature Calamity like Fire, Flood, Corona Virus**
- It should be **bona Fide (Good Faith)** but **not Mala Fide (Bad Faith)**.
- Any other reason to give employment to workmen whose name is borne on the muster roll of industrial development.
- ❖ Workmen who has worked at least 1 years shall be eligible lay off at the rate of **50% of wages** and **Basic + DA** for all days of lay off except weekly holiday.
- ❖ If the lay of more than **45 day** it will provide **only 45 days** lay off.
- ❖ also lay off amount can be **adjusted within Retrenchment compensation**

Laid-off

- ❖ Every workman **who presents himself for work** 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

Lock-out

- ❖ The Temporary **closing** of the place of employment
- ❖ **Suspension** of work
- ❖ **Refusal** by an employer **to continue to employ** any number of persons employed by them

Public Utility Service

- **Any Railway** or **any transport** for the **Carriage of Passengers or Goods** by air
- **Any services** in or **in connection with** working of **Any Major Port** or **Dock**
- **Any section** of an **industrial establishment**, on **safety** of the establishment
- **Any Postal, Telegraph** or **Telephone** service
- **Any Industry** which **supplied power, light or water**
- **Any system** of **public conservancy** and **sanitation**

Penalties for illegal Strikes and lockouts

- ❖ workman – **1 Month, 50/-** Or **Both**
- ❖ Employer - **1 Month, 1000/-** Or **Both**

Illegal Strike and Lockouts

1.) In Public Utility Service

- ❖ Without Giving **14 days notice**.
- ❖ Commenced after **42 days of notice**.
- ❖ **Prior to the date** indicated in the notice.
- ❖ During the **pendency of proceeding**.
- ❖ During the period when a **settlement** or **award** is in operation on same matters.

2.) In Non Public Utility Service

- ❖ In **Breach of Contract**.
- ❖ During the **pendency of Proceeding**.
- ❖ During **settlement** or **award** is in operation.
- ❖ Both the **strike** and **lockout** will be **illegal**, if continued after government banning.
- ❖ If **not reported** for attendance, **no compensation**.
- ❖ If **layoff is due to strike** or go slow by another section of the unit, no compensation.

Code of Discipline

- ❖ It was introduced in the year 1958 and is applicable to **both public and private sector** enterprises.
- ❖ This lay down the guidelines for **worker/employees/workmen, unions and employers.**
- ❖ It **aims to prevent dispute** through negotiations without the **interference** of the outside agency.
- ❖ There is **no legal liability or punishment** and it involves **only moral sanctions.**

It was based on the following principles

- ❖ **Prior and proper notice** must be given before any strike or lockout.
- ❖ **All the parties** must be **consulted before** the taking an **action**. A **decision cannot** be **unilateral**.
- ❖ There should be **no deliberate damage** to the employer's Property.
- ❖ **Go slow tactic** must be **avoided** and **act of violations intimidation** and **coercion** should not be resorted.
- ❖ The Code is aimed at **avoiding disrupting practice** in the industry **to stop work and maintain discipline** in the industry.
- ❖ It **focuses on elimination** all forms of in the industry in the industry and **coercion and violence promotes constructive cooperation** between the involved parties.

Tripartite Machinery

- ❖ It is consists of **representative** of the **central** and **state** governments, **employers** and **workers**.
- ❖ It was held after the **4th Labour Conference** held in **August 1942** that permanent **tripartite collaboration machinery** was set up
- ❖ and **was known** as Preliminary **Labour Conference**,
- ❖ which **later** came to be **known** as **Indian Labour Conference (ILC)**

These committees are **advisory in nature** and play a **significance role** in **labour policy formulation**. They **help** the aggrieved parties to **mutually settle** the **disputes** while **fostering** the spirit of **cooperation** and **goodwill** among them.

Some examples of such bodies are given below.

- 1. The Indian Labour Conference (ILC)**
- 2. The Standing Labour Committee (SLC)**
- 3. The Committee on Conventions**
- 4. The industrial Committee**

The Workers Participation in Management

- ❖ As the name implies, Worker participation in management (WPM) **focuses** on **involvement of workers** by the management in the **decision-making process**.
- ❖ It helps to **promote industrial democracy** and is **based** on **“Human Relations” approach to management**.
- ❖ They can be **involved in constructive, associative, administrative** and **decisive participation**.

The form of workers participation can be through anyone of the following.

1. Participation at **Board Level**.
2. Participation through **Ownership**
3. Participation through **Complete Control**
4. Participation through **Staff and worker counsels**
5. Participation through **Counsels and Committees**
6. Participation through **Collective Bargaining**
7. Participation through **Job Enlargement and Enrichment**
8. Participation through **Suggestion Scheme**
9. Participation through **Quality Circles**
10. Participation through **Empowered Teams**
11. Participation through **Total Quality Management**
12. Participation through **Financial Participation**

Collective Bargaining

ILO convention no 154 defines Collective Bargaining as **all negotiations** which take place **between an employer, a group of employers, or one or more employer’s organization** and **one or more worker’s organizations** for

- ❖ **Determining working conditions and terms of employment;** or
- ❖ **Regulating relations between employers and workers** and or **their organizations**
- ❖ It is a **joint decision making process** as **worker** and **employers** both can arrive at an **amicable solution to the problem**.
- ❖ It is a **Bipartite Process** where employee and employer **jointly negotiate voluntarily** without any third party intervention.

These are 5 types of Collective Bargaining

1. **Distributive** (Zero Sum) by **Walton Mc Kersie** (Win-Loss)
2. **Integrative** (Win –Win)
3. **Productive** (Negotiating around **productivity** and **pay**)
4. **Composite** (Related to employee **Welfare & Job security** **not related** to **pay**. **Cover factor** such as **Working condition, Policies, Recruitment, Dissiliency process**)
5. **Concessionary** (Union giving back during an economic decline whereby **job security** is more important to the union **then higher wages**.)

USA Federal Gov - President Roosevelt

- ❖ **National Labour Relation Act 1935 (Wagner Act)** (**punishment** if employer **deny to bargain**)
- ❖ **Labor Management Relation Act 1947 (Taft-Hartley Act)** (**punishment** if employer or **employee** union **deny to bargain** and **consider it unfair labour practice**)

Authorities Under this Act

Works Committee

- ❖ Set up to promote dialogue between employer and employee in order to have cordial relationship.
- ❖ In industrial establishment employing 100 or more workmen on any day preceding 12 months.
- ❖ Appropriate govt. by general or special order require the employer to constitute works committee
- ❖ Works Committee should have equal number of employee and employer Representative.
- ❖ Work committee are basically advisory in nature and donor supplement or supersede unions in collective bargaining, negotiations etc.
- ❖ Work committee settles disputes, maintains relations
- ❖ ID Act Amendment 1982 - Grievance Settlement Authority for 50 or more workmen.
- ❖ ID Act Amendment 2010 - Grievance Redressal Committees for 20 or more workmen.
- ❖ Whitley Commission (UK 1917) - Joint Industrial Councils, Districts councils, work committees.

They should focus on

- ❖ Administrative Welfare and fine funds.
- ❖ Educational and recreational activities
- ❖ Safety and accident prevention.
- ❖ Occupational diseases and protective equipment.
- ❖ Condition of work such as ventilation, Lightening temperature and sanitation including latrines and urinals.
- ❖ Amenities such as Drinking Water, Canteen, Dining Rooms, Medical and Health Services.

Conciliation Officer

These are the mediating officer appointed by Appropriate Government to mediate and settle the dispute.

- ❖ Appropriate govt. by notification in the official gazette can appoint conciliation officer.
- ❖ Charged with the duty of mediating in and promoting the settlement of industrial disputes.
- ❖ Has power to summon any person or witness.
- ❖ Conciliation Officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries
- ❖ either permanently or for a limited period.
- ❖ If a settlement is arrived in the course of conciliation proceeding, he shall send a Report of settlement and memorandum signed by parties to Appropriate Govt. within 14 days from commencement of proceeding.
- ❖ If a settlement is not arrived after the closer of the investigation, he shall send (Report failure of settlement) a full Report and Steps taken by him ascertaining the full statement of such facts and circumstances and the reason on account of which, in his opinion, a settlement could not be arrived at.
- ❖ If Appropriate Gov. Satisfied, refer the case to Labour Court, Tribunal or National Tribunal.

Board of conciliation

- ❖ **Appropriate Govt.** can constitute a **Board of Conciliation** for promoting the settlement of an industrial dispute.
- ❖ A Board shall consist of a **Chairman** and **two or four other members** (equal number of employer and employee)
- ❖ **Chairman** shall be an **Independent Person**.
- ❖ If any party fails to make a **recommendation** within the prescribed time, the **Appropriate Government** shall **appoint** such persons as it **thinks fit to represent** of that party.
- ❖ A **Board**, prescribed **quorum**, cannot work in **absence of the Chairman** or any of its members or any vacancy in its number. {3=>2, 5=>3}
- ❖ If Board is **able** to arrive at a **settlement**, it **shares** the **report with AG** or **if not** then **shares** the **report mentioning** the **cause of failure**.
- ❖ Board gets **2 months** for the **submission** of its **report**.
- ❖ On the **basis of report** AG refers the case to **Labor Court, Industrial Tribunal, and National Tribunal** or for **Voluntary Arbitration**.

Court of Inquiry

- ❖ The **Appropriate Government**, constitute a **Court of Inquiry**, for inquiring into any matter connected with or relevant to an industrial dispute.
- ❖ A Court may consist of one **independent person** as **Chairman**
- ❖ Where a **Court consists** of **two or more members**, **one of them** shall be appointed as the **Chairman**.
- ❖ A **Court**, having the prescribed **quorum**, cannot act the **absence of the Chairman** or any of its members or any vacancy in its number.
{2>1, 2-5=>2, 5+=>3}
- ❖ Court has **6 months** for **submit its report**.

Background

- ❖ **UK - Conciliation act 1896 & Industrial Courts act 1919 - Minister to appoint court of Inquiry**
- ❖ **US - Taft-Hartley Act 1947 - President to Appoint Board of inquiry**
- ❖ **India - Industrial Dispute Act 1947 - Central & State Gov. to Constitute a court of Inquiry**

Adjudication

- ❖ This is the **ultimate** or **last step** for the dispute resolution. In case, the **conciliation process fails**, the **government appoints a third party** to **resolve the matter**.
- ❖ Under this, the **Matter may be referred** to the **Labour Courts, Industrial Tribunal & National Tribunal**.
- ❖ It is a **three tier system** for the resolution of Industrial Dispute.

Labour Court

- ❖ **Appropriate Govt.** constitute **one or more Labour Courts** for the **adjudication** of industrial disputes relating to **any matter specified** in the **Second Schedule** and performing such other functions as may be assigned to them under this act.
- ❖ A **Labour Court** shall **consist** of **one person only** to be **appointed by** the **Appropriate Government**.

Person is appointed as Presiding officer has following qualification.

- Judge of High Court.*
- 3yrs experience of District Judge or Additional District Judge .*
- Held any Judicial Office for 7 years.*
- Presiding officer of Labour Court constituted under act for 5 years .*
- Deputy Chief Labour Commissioner (central) or Joint Commissioner of State Labour department having 7 years exp of 3 years as conciliation officer .*
- Officer of Indian Legal Service in grade III for 3 years*
- Chairman or any other member of Labour Appellate Tribunal for 2 years*

Tribunals (State Level)

- ❖ The **Appropriate Govt.** 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**
- ❖ A Tribunal shall **consist** of **one person only** to be **appointed as presiding officer**.

He Has the following qualification.

- Judge of High Court*
- District Judge and Additional District Judge for not less than 3 yrs. .*
- Deputy chief Labour Commissioner (central) or Joint Commissioner of State Labour Department having degree of law or experience of 7 years in Labour Department and 3 yrs experience as Conciliation Officer.*
- AG can appoint 2 persons to assessors to advise the Tribunal in the proceeding before it.*

Disqualification of Presiding officer

- ❖ He is **not** an **independent person**.
- ❖ He has attained the **age of 65** years.

Case under Labour Court vs. Labour Tribunal

II Schedule (Labour Court)	III Schedule (Industrial Tribunal)
<ul style="list-style-type: none">• Property or legality of an order passed by an employer under the standing order• Application and interpretation of standing order• Discharge, dismissal of workmen, reinstatement of, or grant of relief of workmen wrongfully dismissed• Withdrawal of any customary concession or privilege• Illegality or strike or lockout• All matters other than mentioned in III Schedule	<ul style="list-style-type: none">• Wages, period, mode of payment• Compensatory and any other allowances• Hours of work and rest intervals• Leave with wages and holidays• Bonus, profit sharing, PF, Gratuity• Working shift, classification of grades• Rules of discipline, rationalization• Retrenchment of workmen, closure of establishment• Other matters as prescribed

National Industrial Tribunals

- ❖ The **Central Government**, constitute **one or more National Industrial Tribunals** for the adjudication of industrial disputes
- ❖ Involve **questions of national importance** or are of such a nature that industrial **establishments situated in more than one State** are likely to be interested in, or affected by, such disputes.
- ❖ A National Tribunal shall consist of **one person only to be appointed** by the Central Government
- ❖ Appointed as **presiding officer** has experience of **Judge of High Court**.
- ❖ **Two persons** as **assessors to advise** the **National Tribunal** in the proceeding before it.

Notice of change

- ❖ The ID act 1947, stipulates that No employer will affect **any change in the conditions of service** in respect of any matter **specified in the Fourth Schedule** of this act-
- ❖ Without giving notice to the workman who is going to be affected by such change **Within 21 days** of giving such notice.
- ❖ **AG has the power to exempt any establishment** from the provision of the act, if it is considered from this provision of the act **if it is considered necessary in the public interest.**(Sec 9B)

Grievance Settlement Authorities

The employer in relation to **every industrial establishment** in which **50 or more workmen** are employed or have been employed on any day in the **preceding twelve months**, shall provide a **Grievance Settlement Authority** for the **settlement of industrial disputes** connected with an individual workman employed in the establishment.

Reference of disputes to Boards, Courts or Tribunals

The appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing-

- ❖ Refer the dispute to a **Board** for promoting a settlement thereof
- ❖ Refer any matter appearing to be connected with or relevant to the dispute, to a **Court for inquiry**
- ❖ 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
- ❖ 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:

Voluntary reference of disputes to arbitration

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.

Protection of workman during Pendency of Proceeding

- ❖ The Period from which the **conciliation / adjudication/ arbitration proceedings commences** and conclude under **Sec 20** is called period of pendency.
- ❖ During the proceedings of the dispute settlement in any form such as conciliation, adjudication, Arbitration etc, **no employer has the right to alter the conditions of services.**
- ❖ **No employer** can **dismiss, punish or exploit** the workman **without obtaining written permission** of the **authority concerned.**
- ❖ The employee may **take action against the misconductors** in accordance with the **standing orders** or the **terms of the contract** applicable to him; **if the matter is not concerned** to the dispute under consideration. The **action of dismissal of or discharge**, but the employer must pay the workman **wages for one month.**
- ❖ There is a category of "**Protected Workman**" who is given protection **in the all matters**, whether connected with the dispute or otherwise.
- ❖ **A protected workman mean a workman in an establishment**, who is **an officer of a registered trade union** connected with the establishment, according to the rules framed under this act.
- ❖ The **Number of such protected workman** is limited to **one percent of the total workman** employed in an establishment subject to **minimum number of 5** and **maximum number of 100.**
- ❖ An **aggrieved workman** about the provision of this act can **make a complaint** in **writing** in **form -1** direct to the **labour court, Industrial Tribunal or National Tribunal**, Before whom the dispute is pending.
- ❖ The concerned **authority** after it **receives the complaint** shall try to **mediate and adjudicate** upon it as if it was a dispute referred to or pending before it. The authority may **pass necessary order or award** to **change condition of service** for taking **disciplinary action** during the **proceedings of settlement** of industrial dispute.

Cognizance of offences

- ❖ **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.
- ❖ **No Court inferior** to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, shall try any offence punishable under this Act.

Power to make rules

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

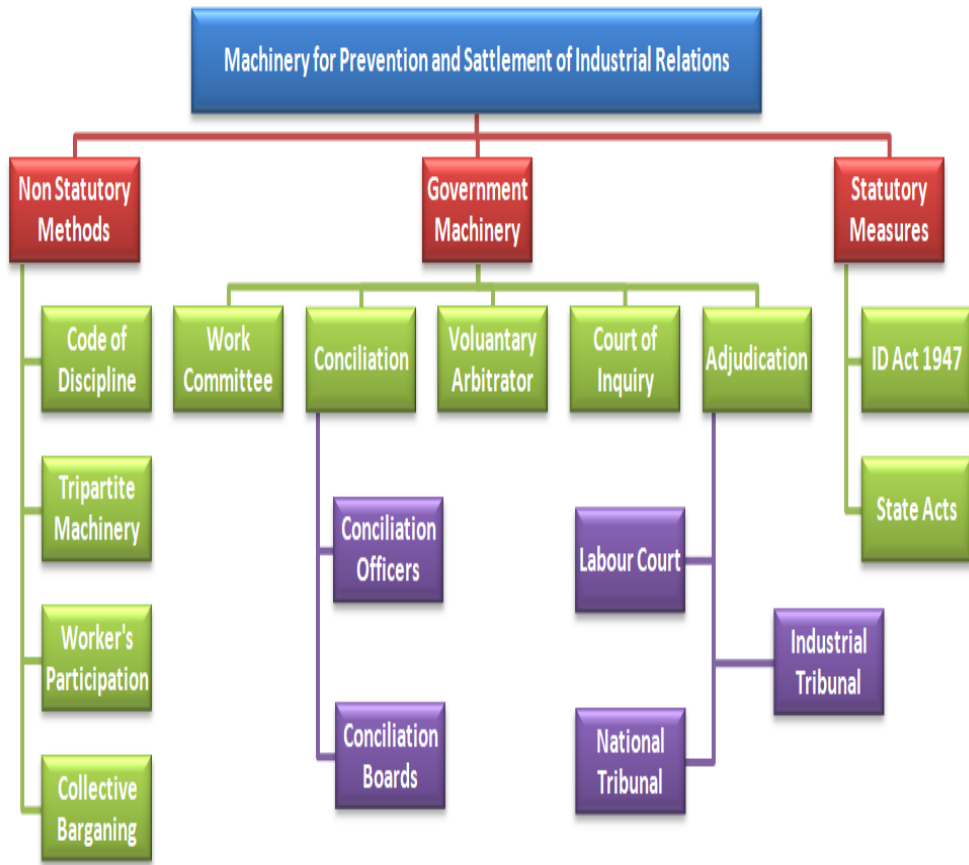
Power to amend Schedules

- (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, as the case may be, 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.**]

Recovery of money due from an Employer

- ❖ Where any **money is due to a workman from an employer** under a settlement or an award .
- ❖ workman himself or any other person authorized by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, **make an application** to the appropriate Government **for the recovery of the money due** to him,
- ❖ **If Appropriate Government is satisfied** , it shall **issue a certificate** for that amount **to the Collector to recover the same**
- ❖ **Application shall be made within one year** from the date on which the money became due.

Machinery for Prevention and Settlement of Industrial Dispute



Penalty

Offence	Penalty or Fine
1. Instigation or incites ,	6 months 1000 or Both
2. Financial Aid to illegal Strikes and Lock-Outs	
3. Disclosing confidential information	
4. Strike or Lock-out which is illegal	
5. other offences	
6. closure without notice	6 months 5000 or Both
7. breach of settlement or award	6 months 1000 or Both , 200/- Every day during breach
8. Failure to comply	6 months but extend to 1 year and with fine

THANK YOU

