

Industrial Disputes (Kerala Amendment) Act, 1979**30 of 1979**

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Industrial Disputes (Kerala Amendment) Act, 1979**30 of 1979**

An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Kerala WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Kerala , for the purposes hereinafter appearing; BE it enacted in the Thirtieth Year of the Republic of India as follows:-

1. Short Title And Extent :-

- (1) This Act may be called the Industrial Disputes (Kerala Amendment) Act, 1979.
- (2) It extends to the whole of the State of Kerala .

2. Insertion Of New Section 10B :-

After section 10A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:-

10B. Power to issue orders 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 Tribunal under sub-section (1) of section 10 and if, in the opinion of that 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 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 appears to it to be necessary or expedient for the purposes 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 preceeding 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 any order under sub-section (1) may be deducted by the employer from out of any monetary benefit to which such person become 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 29A :-

After section 29 of the principal Act, the following section shall be inserted, namely:-

29A. Penalty for failure to comply with an order issued under section 10B.-Any person who fails to comply with any provision contained in any order made under sub-section (1) of section 10B, 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.

4. Repeal And Saving :-

(1) The Industrial Disputes (Kerala Amendment) Ordinance, 1979 (11 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 30 th day of July, 1979.