

INDUSTRIAL DISPUTE

ACT, 1947

Publication of reports and awards (SEC 17)

1. **Every report** of a Board or Court together with any minute of dissent **recorded therewith**, every arbitration award and every award of the Labour Court, Tribunal or National Tribunal shall, **within a period of thirty days** from the date of its receipt by the appropriate Government, **be published in such manner as the appropriate Government thinks fit.**
2. **Subject to** the provisions of **Section 17-A**, the award published under sub-section (1) **shall be final** and shall **not be called in question by any Court** in any manner whatsoever.

Commencement of the award (SEC 17A)

1. An **award** (including an arbitration award) shall become **enforceable on the expiry of thirty days from the date of its publication** under Section 17: Provided that-
 - (a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or
 - (b) if the Central Government is of opinion, in any case where the award has been given by a National Tribunal, that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforceable on the expiry of the said period of thirty days.

2. **Where any declaration has been made** in relation to an award under the proviso to sub-section (1), the **appropriate Government** or the Central Government may, **within ninety days from the date of publication of the award under Section 17, make an order rejecting or modifying the award**, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State Government, or before Parliament, if the order has been made by the Central Government.

3. **Where any award as rejected or modified** by an order made under subsection (2) is laid before the Legislature of a State or before Parliament, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), or **the award shall become enforceable on the expiry of the period of ninety days** referred to in subsection (2).

4. Subject to the provisions of sub-section (1) and sub-section (3) regarding the enforceability of an award, **the award shall come into operation with effect from such date as may be specified therein**, but where no date is so specified, it shall come into operation **on the date when the award becomes enforceable under sub-section (1) or sub-section (3)**, as the case may be.

Payment of full wages to workman pending proceedings in higher Courts (SEC 17B)

- Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs **reinstatement of any workman** and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the **employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance** allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court:
 - Provided that where it **is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration** during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.

Persons on whom settlements and awards are binding (SEC 18)

1. A **settlement** arrived at by agreement between the employer and workman otherwise than **in the course of conciliation proceeding** shall **be binding on the parties** to the agreement.
2. Subject to the provisions of sub-section (3), an **[arbitration award]** which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.
3. A settlement arrived at in the course of conciliation proceedings under this Act or an arbitration award in a case where a notification has been issued under sub-section (3A) of Section 10A] or an award of a Labour Court, Tribunal or National Tribunal] which has become enforceable] shall be **binding on-**
 - (a) **all parties to the industrial dispute;**
 - (b) **all other parties summoned to appear in the proceedings**

Period of operation of settlements and awards (SEC 19)

1. A settlement shall come into operation on **such date as is agreed upon** by the parties to the dispute, and **if no date is agreed upon, on the date on which the memorandum of the settlement is signed** by the parties to the dispute.
2. **Such settlement shall be binding for such period as is agreed upon** by the parties, and **if no such period is agreed upon, for a period of six months [from the date on which the memorandum of settlement is signed** by the parties to the dispute], and **shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement.**
3. **An award shall**, subject to the provisions of this section, **remain in operation for a period of one year** from the date on which the award becomes enforceable under Section 17A]: **Provided that the appropriate Government may reduce the said period** and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit, so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

4. **Where the appropriate Government**, whether of its own motion or on the application of any party bound by the award, **considers that since the award was made, there has been a material change in the circumstances on which it was based**, the appropriate **Government may refer the award or a part of it to a Labour Court**, if the award was that of a Labour Court or to a Tribunal, if the award was that of a Tribunal or of a National Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of Labour Court or the Tribunal, as the case may be, on such reference shall be final.

5. Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

6. Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

7. No notice given under sub-section (2) or sub-section (6) shall have effect, unless it is given by a party representing the majority of persons bound by the settlement or award, as the case may be.

Commencement and conclusion of proceedings (SEC 20)

1. A conciliation proceeding shall **be deemed to have commenced on the date on which a notice of strike or lock-out under Section 22** is received by the conciliation officer or on the date of the order referring the dispute to a Board, as the case may be.
2. **A conciliation proceeding shall be deemed to have concluded-**
 - (a) **where a settlement is arrived at**, when a memorandum of the settlement is signed by the parties to the dispute;
 - (b) **where no settlement is arrived at**, when **the report of the conciliation officer is received by the appropriate Government** or when the report of the Board is published under Section 17, as the case may be; or
 - (c) **when a reference is made to a Court**, [Labour Court, Tribunal or National Tribunal] under Section 10 during the pendency of conciliation proceedings.

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- 3. Proceedings before an arbitrator shall be deemed to have **commenced on the date of the reference of the dispute for arbitration or adjudication**, as the case may be, and such proceedings shall be deemed to have concluded on the date on which the award becomes enforceable under Section 17-A.

STRIKES AND LOCK-OUTS

- **STRIKES AND LOCK-OUTS**

- Prohibition of strikes and lock-outs (SEC 22)
- General prohibition of strikes and lock-outs (SEC 23)
- Illegal strikes and lock-outs (SEC 24)
- Prohibition of financial aid to illegal strikes and lock-outs (SEC 25)

Prohibition of strikes and lock-outs (SEC 22)

1. No person employed in a public utility service shall go on strike in breach of contract-
 - (a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or
 - (b) within fourteen days of giving such notice; or
 - (c) before the expiry of the date of strike specified in any such notice as aforesaid; or
 - (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

2. No employer carrying on any public utility service shall lock-out any of his workmen-
 - (a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking-out; or
 - (b) within fourteen days of giving such notice; or
 - (c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or
 - (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

3. The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the appropriate Government either generally or for a particular area or for a particular class of public utility services.

4. The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

5. The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

6. If on any day an employer receives from any person employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the appropriate Government or to such authority as that Government may prescribe, the number of such notices received or given on that day

General prohibition of strikes and lock-outs (SEC 23)

No workman who is employed in any industrial establishment shall go on strike in breach of contract and no employer of any such workman shall declare a lock-out-

- (a) during the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings;
- (b) during the pendency of proceedings before [a Labour Court, Tribunal or National Tribunal] and two months after the conclusion of such proceedings
- (bb) during the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under subsection (3-A) of Section 10-A; or
- (c) during any period in which a settlement or award is in operation in respect of any of the matters covered by the settlement or award.

Illegal strikes and lock-outs (SEC 24)

1. A strike or a lock-out shall be illegal if-

- (i) it is commenced or declared in contravention of Section 22 or Section 23; or
- (ii) it is continued in contravention of an order made under subsection (3) of Section 10 [or sub-section (4-A) of Section 10-A]

2. Where a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time of the reference of the dispute to a Board, [an arbitrator,] [a Labour Court, Tribunal or National Tribunal], the continuance of such strike or lock-out shall not be deemed to be illegal, provided that such strike or lock-out was not at its commencement in contravention of the provisions of this Act or the continuance thereof was not prohibited under subsection (3) of Sec.10 [or sub-section 4(A) of Section 10-A].

3. A lock-out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal

Prohibition of financial aid to illegal strikes and lock-outs (SEC 25)

- No person shall knowingly expend or apply any money in direct furtherance or support of any illegal strike or lock-out.