

ACT No. XVII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
April, 1938.)

An Act further to amend the Trade Disputes Act, 1929,
for certain purposes.

WHEREAS it is expedient further to amend the
Trade Disputes Act, 1929, for the purposes
hereinafter appearing; It is hereby enacted as
follows :—

1. This Act may be called the Trade Disputes (Amend- Short title.
ment) Act, 1938.

2. In section 2 of the Trade Disputes Act, 1929 (here- Amendment of
inafter referred to as the said Act),— section 2, Act
VII of 1929.

(a) in clause (g),—

(i) after sub-clause (i) the following sub-clause
shall be inserted, namely :—

“(ia) any water transport service carrying
passengers to whose vessels any of the
provisions of the Inland Steam-vessels
Act, 1917, apply or tramway service, if
the Provincial Government by notifica-
tion in the official Gazette, declares the
water transport or tramway service, as
the case may be, to be a public utility
service for the purposes of this Act, or”;
and

(ii) in sub-clause (iii), after the word “supplies”
the word “power” shall be inserted;

(b) in clause (j), after the word “difference” the
words “between employers and employers or”
shall be inserted; and

This Act has been applied to British Baluchistan
see Notification No.200F, dated 10th August 1938,
Gazette of India, 1938, Pt. I, page 1371.

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(c) in clause (k), after the word "reward" the following words shall be inserted, namely :—

"and includes for the purposes of any proceedings under this Act in relation to a trade dispute a workman discharged during that dispute".

Amendment of
section 3, Act
VII of 1920.

3. In section 3 of the said Act,—

(a) the words "between an employer and any of his workmen" shall be omitted ; and

(b) for the words "the employer" the words "an employer concerned" shall be substituted.

Amendment of
section 4, Act
VII of 1920.

4. For sub-section (2) of section 4 of the said Act the following sub-section shall be substituted, namely :—

"(2) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number :

Provided that if the appointing authority notifies the Court that the services of the chairman have ceased to be available the Court shall not act until a new chairman has been appointed."

Amendment of
section 6, Act
VII of 1920.

5. For sub-section (3) of section 6 of the said Act the following sub-section shall be substituted, namely :—

"(3) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number :

Provided that if the appointing authority notifies the Board that the services of the chairman or where the Board includes an equal number of persons representing the parties to the dispute the services of any such person have ceased to be available the Board shall not act until a new chairman or member, as the case may be, has been appointed."

6. To

of 1938.] *Trade Disputes (Amendment)*.

6. To section 10 of the said Act the following sub-section shall be added, namely :—

Amendment of
section 10, Act
VII of 1929.

“(3) Where a Board includes an equal number of persons representing the parties to the dispute, and the services of any such person have ceased to be available as aforesaid, the appointing authority shall appoint in the manner specified in sub-section (2) of section 6 another person to take his place, and the proceedings shall be continued before the Board so reconstituted.”

7. In section 15 of the said Act,—

Amendment of
section 15, Act
VII of 1929.

(a) in sub-section (2),—

- (i) for the words “ his workmen ” the words “ any of his workmen ” shall be substituted ;
- (ii) for the words “ liable to ” the words “ punishable with ” shall be substituted ; and
- (iii) for the words “ to a fine ” the words “ with fine ” shall be substituted ;

(b) after sub-section (2) the following sub-section shall be inserted, namely :—

“(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any person employed by him and such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees ” ; and

(c) in sub-section (3), for the words, brackets and figure “ under sub-section (2) ” the words, brackets and figures “ under sub-section (2) or sub-section (2A) ” shall be substituted.

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Amendment of
section 16, Act
VII of 1929.

8. In sub-section (1) of section 16 of the said Act,—

(a) after the words “ other than ” the words “ or in addition to ” shall be inserted ;

(b) in clause (b) for the words “ general and prolonged ” the words “ and general ” shall be substituted.

Amendment of
section 17, Act
VII of 1929.

9. In sub-section (1) of section 17 of the said Act, for the word “ declares ” the words “ commences, continues,” shall be substituted.

Insertion of
new heading
and section
18A in Act
VII of 1929.

10. After section 18 of the said Act the following heading and section shall be inserted, namely :—

“ Conciliation Officers.

Appointment
of conciliation
officers.

18A. (1) The Central Government, in respect of industries, businesses and undertakings carried on by them or under their authority or by a railway company, and the Provincial Government, in respect of other businesses, industries or undertakings within their Province, may, by notification in the official Gazette, appoint officers, herein referred to as conciliation officers, charged with the duty of mediating in or promoting the settlement of trade disputes.

(2) A conciliation officer may be appointed for a specified area or for specified businesses, industries or undertakings in a specified area or for one or more specified businesses, industries or undertakings and either permanently or for a limited period.

(3) A conciliation officer may, for the purposes of inquiring into an existing or apprehended trade dispute after giving reasonable notice, enter the premises occupied by any industry, business or undertaking and may call for and inspect any document which he has ground for considering to be relevant to the trade dispute,
and

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and for the purposes of any such inquiry shall be deemed to be a public servant within the meaning of the Indian Penal Code.

- (4) If any person supplying information or producing a document to a conciliation officer requests in writing that the information or the document or any part thereof shall be treated as confidential the conciliation officer shall not disclose such information or the contents of such document or part thereof except to—
- (a) the authority which appointed him to be a conciliation officer ; or
 - (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.
- (5) If the conciliation officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.
- (6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the conciliation officer ; and no Civil Court shall without the like sanction entertain any suit against a conciliation officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4).”