

THE INDUSTRIAL DISPUTES (AMENDMENT AND
TEMPORARY PROVISIONS) ACT, 1951.

No. XL of 1951



*See India Code
Vol. VB*

An Act further to amend the Industrial Disputes Act, 1947,
and to make certain temporary provisions relating to
pay and allowances of certain workmen.

[26th June, 1951]

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.

2. Interpretation.—All words and expressions used in this Act and defined in the Industrial Disputes Act, 1947 (XIV of 1947) shall have the meanings assigned to them in that Act.

3. Amendment of section 7, Act XIV of 1947.—For sub-sections (2) and (3) of section 7 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following sub-sections shall be substituted, namely:—

“(2) A Tribunal shall consist of such number of independent members as the appropriate Government may think fit to appoint, and where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) Where a Tribunal consists of one member only, that member, and where it consists of two or more members, the Chairman of the Tribunal, shall be a person who—

- (a) is or has been a Judge of a High Court; or
- (b) is or has been a district judge; or
- (c) is qualified for appointment as a Judge of a High Court:

Provided that no appointment under this sub-section to a Tribunal shall be made of any person not qualified under clause (a) or clause (b) except with the approval of the High Court of the State in which the Tribunal has, or is intended to have, its usual seat.

(4) Where a Tribunal consists of two or more members, every such member (other than the Chairman) shall possess such qualifications as may be prescribed, and where an industrial dispute affecting any banking or insurance company is referred to a Tribunal, one of

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such members may be a person who, in the opinion of the appropriate Government, has special knowledge of banking or insurance, as the case may be.

(5) A Tribunal, where it consists of two or more members, may act notwithstanding the casual and unforeseen absence of the Chairman or any other member, and when the Chairman or other member rejoins his office after such absence, the proceedings may be continued before the Tribunal from the stage at which he so rejoins."

4. **Substitution of new section for section 8, Act XIV of 1947.**—For section 8 of the principal Act, the following section shall be substituted, namely:—

"8. *Filling of vacancies.*—(1) If for any reason a vacancy occurs in the office of the Chairman or any other member of a Board, the appropriate Government shall appoint, in accordance with the provisions of sub-section (3) of section 5, another person to fill the vacancy and the proceedings may be continued before the Board so reconstituted from the stage at which the vacancy is filled.

(2) If for any reason a vacancy occurs in the office of the Chairman or any other member of a court or Tribunal, the appropriate Government shall, in the case of a Chairman, and may, in the case of any other member, appoint another independent person, in accordance with the provisions of section 6 or section 7, as the case may be, to fill the vacancy, and the proceedings may be continued before the court or the Tribunal so reconstituted from the stage at which the vacancy is filled."

5. **Amendment of section 9, Act XIV of 1947.**—Section 9 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where the report of any settlement arrived at in the course of the conciliation proceedings before a Board or the award of a Tribunal consisting of two or more members is signed by the Chairman and all the other members of the Board or the Tribunal, as the case may be, no settlement or award shall be invalid by reason only of the casual and unforeseen absence of any of the members (including the Chairman) of the Board or the Tribunal, as the case may be, during any stage of the hearing of the proceedings."

6. **Amendment of section 13, Act XIV of 1947.**—In sub-section (5) of section 13 of the principal Act, for the words "of the notice under section 22", the words "on which the dispute was referred to it" shall be substituted.

7. **Temporary provisions relating to scales of pay, etc., of workmen in banking companies.**—(1) No employer in relation to any banking company carrying on business in any Part A State or the State of Delhi, Ajmer or Coorg or the Andaman and Nicobar Islands shall, save in accordance with the terms of any settlement arrived at, or any award made, under the Industrial Disputes Act, 1947 (XIV of 1947),—

(a) alter, to the prejudice of any workman employed in such banking company, the scale of pay or rate of allowances according to which he has been paid, or would, if he had been continuously employed during the month of March, 1951, have been paid, in respect

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of any monthly, weekly or other period immediately before the 1st day of April, 1951; or

(b) recover from any such workman any amount already paid to him whether as pay or allowances (in accordance with any scales of pay or rates of allowances which were applied to him at any time after the 1st day of February, 1950) on the ground that the workman was not legally entitled to such scales of pay or rates of allowances.

Explanation.—For the purposes of this section, “allowances” mean any dearness allowance, house-rent allowance, halting allowance, washing allowance, hill allowance, fuel allowance and officiating allowance (so long as the workman holds the officiating appointment) and includes any special pay or allowance paid to a workman on the ground of special qualifications, skill or responsibility attaching to, or required in respect of, his work or office and also includes the special pay or allowance given to—

- (i) graduates,
- (ii) holders of banking diplomas like C.A.I.I.B. and C.A.I.B.,
- (iii) comptists,
- (iv) stenographers,
- (v) cashiers,
- (vi) supervisors,
- (vii) sub-accountants,
- (viii) clerks-in-charge,
- (ix) departmental-in-charge,
- (x) headclerks, and
- (xi) certain categories of subordinate staff.

(2) For the removal of doubts, it is hereby declared that notwithstanding anything contained in any law it shall be lawful to make such retrospective adjustment in relation to scales of pay and rates of allowances referred to in sub-section (1) as may be necessary in order to give effect to the terms of any settlement arrived at or award made under the Industrial Disputes Act, 1947 (XIV of 1947).

8. *Recovery of money due from an employer.*—Any money due from an employer under the provisions of section 7 may be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government either on its own motion or on an application made to it by the persons entitled to such money.