

I

Repealed by Act 58 of 1960, s. 28 ~~Sec 28~~ (wef 26.12.60)

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1957

No. 18 OF 1957

[6th June, 1957]

An Act further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1957. Short title and commencement

(2) Section 2 shall be deemed to have come into force on the 10th day of March, 1957, and section 3 on the 28th day of November, 1956.

14 of 1947.

2. In section 2 of the Industrial Disputes Act, 1947, (hereinafter referred to as the principal Act), for clause (r), the following clause shall be substituted, namely:— Amendment of section 2.

“(r) ‘Tribunal’ means an Industrial Tribunal constituted under section 7A and includes an Industrial Tribunal constituted before the 10th day of March, 1957, under this Act;”.

3. For section 25FF of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for section 25FF.

“25FF. Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched: Compensation to workmen in case of transfer of undertakings.

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if—

(a) the service of the workman has not been interrupted by such transfer;

(b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

Compensation to workmen in case of closing down of undertakings.

25FFF. (1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of section 25F shall not exceed his average pay for three months.

*Explanation.*—An undertaking which is closed down by reason merely of financial difficulties (including financial losses) or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.

(2) Where any undertaking set-up for the construction of buildings, bridges, roads, canals, dams or other construction work is closed down on account of the completion of the work within two years from the date on which the undertaking had been set-up, no workman employed therein shall be entitled to any compensation under clause (b) of section 25F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under that section for every completed year of service or any part thereof in excess of six months."

Repeal.

4. The Industrial Disputes (Amendment) Ordinance, 1957 is hereby repealed.