

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)

AMENDMENT ACT, 1982

No. 18 OF 1982

[11th May, 1982.]

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1982.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1946.

2. In section 2 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(a) to clause (b), the following proviso shall be added, namely:—

“Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties;”

(b) for clause (i), the following clause shall be substituted, namely:—

14 of 1947

(i) “wages” and “workman” have the meanings respectively assigned to them in clauses (r) and (s) of section 2 of the Industrial Disputes Act, 1947.”

3. In section 6 of the principal Act, in sub-section (1), for the words “Any person”, the words “Any employer, workman, trade union or other prescribed representatives of the workmen” shall be substituted.

Amendment of section 6.

4. In section 10 of the principal Act,—

(a) in sub-section (1), after the words “the workmen”, the words “or a trade union or other representative body of the workmen” shall be inserted;

Amendment of section 10.

17-5-1982: vide Notification No. S.O. 326 (E), dated 17-5-1982, Gazette of India, Extraordinary, 1982, pt. II, Section 3(ii).

(b) in sub-section (2),—

(i) after the words "or workmen", the words "or a trade union or other representative body of the workmen" shall be inserted;

(ii) after the words "and the workmen", the words "or a trade union or other representative body of the workmen" shall be inserted.

Insertion of new section 10A.

5. After section 10 of the principal Act, the following section shall be inserted, namely:—

Payment of subsistence allowance.

"10A. (1) Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance—

(a) at the rate of fifty per cent. of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension; and

(b) at the rate of seventy-five per cent. of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman.

(2) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (1), the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947, within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situate and the Labour Court to which the dispute is so referred shall, after giving the parties an opportunity of being heard, decide the dispute and such decision shall be final and binding on the parties.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State are more beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State."

14 of 1947.

Amendment of section 11.

6. In section 11 of the principal Act, in sub-section (1), for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amendment of section 13.

7. In section 13 of the principal Act, in sub-section (4), for the words "a Presidency Magistrate or Magistrate of the second class", the words "a Metropolitan Magistrate or Judicial Magistrate of the second class" shall be substituted.

8. In section 13A of the principal Act, after the words "or workman", the words "or a trade union or other representative body of the workmen" shall be inserted.

Amend-
ment of
section
13A.

9. In section 15 of the principal Act, in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-
ment of
section
15.