



The Industrial Dispute (Andhra Pradesh Amendment) Act, 1987

Act 32 of 1987

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THE INDUSTRIAL DISPUTES (ANDHRA PRADESH
AMENDMENT) ACT, 1987*

ACT NO. 32 OF 1987*

[27th July, 1987]

An Act further to amend the Industrial Disputes Act, 1947 in its application to the State of Andhra Pradesh.

Enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Industrial Disputes (Andhra Pradesh Amendment) Act, 1987. Short title, extent and commencement.

*Received the assent of the President on the 22nd July, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A Extraordinary, dated the 22nd January, 1987, at page 34.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force at once.

Amendment
of section
2A, Central
Act 14 of
1947.

2. In the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), section 2A shall be numbered as sub-section (1) thereof and after the sub-section, as so numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything in section 10, any such workman as is specified in sub-section (1) may, make an application in the prescribed manner direct to the Labour Court for adjudication of the dispute referred to therein; and on receipt of such application, the Labour Court shall have jurisdiction to adjudicate upon any matter in the dispute, as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act; and accordingly all the provisions of this Act, shall apply in relation to such dispute as they apply in relation to any other industrial dispute.”

Amendment
of section
9A.

3. In clause (b) of section 9A of the principal Act, for the words “within twenty-one days”, the words “within forty-two days” shall be substituted.

Insertion of
new section
10B.

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

“Power to
issue orders
regarding
terms and
conditions of
service, etc.

10B. (i) Notwithstanding anything contained in this Act, if in the opinion of the State Government, it is necessary or expedient so to do, for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the commu-

nity or for maintaining employment or maintaining industrial peace, it may by a general or special order, make provision,—

(a) for requiring employers, workmen or both to observe for such period as may be specified in the order, such terms and conditions of employment as may be determined in accordance with the order: and

(b) for prohibiting, subject to the provisions of the order, strikes or lockouts generally or a strike or lockout in connection with any industrial dispute.

(2) In case any industrial dispute is raised in respect of any provisions in the order of the State Government made under sub-section (1) within a period of three months of the order, it shall be referred by the State Government for adjudication to an Industrial Tribunal or Labour Court and the order shall lapse when the award of the Tribunal or Labour Court becomes enforceable:

Provided, that the reference of the industrial dispute to adjudication shall not have the effect of staying the operation of the order”.

5. After section 11A of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
11 B.

“Power of
Labour
Court or
Tribunal to
execute its
award by
decree.

11B. A Labour Court or a Tribunal shall have the power of a Civil Court to execute its award or any settlement as a decree of a Civil Court”.

6. In sub-section (1) of section 25 FFF of the principal Act,—

Amendment
of section
25 FFF.

(a) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that the prior payment of compensation to the workman shall be a condition precedent to the closure of any undertaking”;

(b) in the existing proviso for the words "provided that" the words "provided further that" shall be substituted.

Amendment
of section
25 H.

7. Section 25H of the principal Act, shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) Where a closed unit is re-opened the workmen on the roll of the unit immediately before its closure shall be given an opportunity to offer themselves for re-employment in the manner provided in sub-section (1)".

Insertion of
new section
25 HH.

8. After section 25 H of the principal Act, the following section shall be inserted, namely:—

"Condition of reinstatement in service by an award of Labour Court or Tribunal.

25 HH. Where a workman is reinstated in service by an award of a Labour Court or a Tribunal, the workman shall be deemed to be in service from the date

specified in the award whether or not the workman was earlier re-instated by the employer and his wages shall be recovered in the manner provided in section 33-C".

Insertion of
new section
29 A.

9. After section 29 of the principal Act, the following section shall be inserted, namely:—

"Penalty for failure to comply with an order issued under section 10B.

29A. Any person who fails to comply with any provisions contained in an order made under sub-section (1) of section 10B shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine:

Provided that the Court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six-months".

10. In sub-section (i) of section 33C of the principal Act, for the words "to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue", the words "to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate having jurisdiction and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall proceed to realise the money as if it were a fine imposed by such Magistrate" shall be substituted.

Amendment
of section
33C.