

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 7th January, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 8 of 2019

A Bill further to amend the Industrial Disputes Act, 1947, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Tamil Nadu Amendment) Act, 2019.

Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

2. In section 11-B of the Industrial Disputes Act, 1947, for the expression "award", the expression "award and order" shall be substituted.

Amendment of section 11-B.

STATEMENT OF OBJECTS AND REASONS

The Industrial Disputes Act 1947 (Central Act XIV of 1947) was amended by Tamil Nadu Act 45 of 2008, inserting a new section 11-B, with effect from 07-11-2008, which reads as follows:

"11-B. Power of Labour Court or Tribunal to execute its award by decree.— A Labour Court or Tribunal shall have the power of a civil court to execute its own award as a decree of a civil court and also to execute any settlement as defined in clause (p) of section 2 as a decree."

The aforesaid provision empowers a Labour Court or Tribunal to execute its own award as a decree of a civil Court, but not an order passed by it. Hence, an order passed by a Labour Court or Tribunal could not be executed by it. The State Law Commission, Tamil Nadu in its tenth report dated the 26th October, 2015, among others, has observed that the Labour Courts are entertaining execution proceedings in respect of orders also without any specific statutory authority and in case of adverse order by superior courts regarding the validity of the execution proceedings that are being entertained by labour courts, the very object of the Industrial Disputes Act as amended by Act 45 of 2008 will be defeated. The State Law Commission has, therefore, recommended that the said section 11-B may be amended for the purpose.

2. The Government have accepted the said recommendation of the State Law Commission, Tamil Nadu and decided to amend the said section 11-B suitably.

3. The Bill seeks to give effect to the above decision.

Dr. NILOFER KAFEEL,
Minister for Labour.

K. SRINIVASAN,
Secretary.