

Twelfth Kerala Legislative Assembly
Bill No. 153

THE INDUSTRIAL DISPUTES (KERALA AMENDMENT)
BILL, 2008

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further to amend the Industrial Disputes Act, 1947.

Preamble.— WHEREAS, it is expedient to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947) in its application to the State of Kerala for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Industrial Disputes (Kerala Amendment) Bill, 2008.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force atonce.

2. *Amendment of Section 2.*—In section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in clause (s) after the words “or supervisory work”, the words “or any work for the promotion of sales” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Government of India requested the State Government to consider necessary amendment in the definition of the term ‘workman’ in the Industrial Disputes Act, 1947 (Central Act 14 of 1947) to the effect that the sales promotion employees be brought within the purview of the Act, as applicable in the State of West Bengal. The sales promotion Employees in this State also are filing representations from time to time to the effect that they may also be brought within the ambit of Industrial Disputes Act, 1947.

The Bill seeks to amend the Industrial Disputes Act, 1947 in its application to the State of Kerala, to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operations, would not involve any expenditure out of the Consolidated Fund of the State.

P. K. GURUDASAN

EXTRACT FROM THE INDUSTRIAL DISPUTES ACT, 1947
(CENTRAL ACT 14 OF 1947)

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2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context,—

(a) ** ** *

(s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched, in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person—

(i) who is subject to the Air force Act, 1950, (45 of 1950) or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in supervisory capacity, draws wages exceeding one thousand six hundred rupees per mansam or exercises, either by the nature of the duties attached to the office or by reasons of the powers vested in him, functions mainly of a managerial nature.

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