

UNITED PROVINCES INDUSTRIAL DISPUTE ACT, 1947¹**[U.P. ACT No. XXVIII of 1947]***Amended by*

U.P. Act No. XXV of 1950

U.P. Act No. XXIII of 1953

U.P. Act No. I of 1957

U.P. Act No. XXIII of 1957

U.P. Act No. II of 1966

U.P. Act No. 34 of 1978

U.P. Act No. 26 of 1983

U.P. Act No. 03 of 1991

U.P. Act No. 21 of 2000

U.P. Act No. 02 of 2007

U.P. Act No. 15 of 2021

*Adopted and modified by the Adaptation of Laws Order, 1950***[Passed by the U.P. Legislative Assembly on November 10,****1947 and by the United Provinces Legislative
Council on****November 17, 1947.****[Received the assent of the Governor General on December****21, 1947 under section 76 of the Government of India Act, 1935****as adapted and modified by the Indian (Provisional Constitution****Order, 1947, and was published in the U.P. Government Gazette****of January 10, 1948.]****AN****ACT***to provide for power to prevent strikes and lock-outs to settle industrial
disputes and for other incidental matters***Preamble**

WHEREAS it is necessary to provide for power to prevent strikes
and lock-outs, and for the settlement of industrial disputes and other
incidental matters;

It is hereby enacted as follows:

Short title,**1. (1) This Act may be called the “the United Provinces****extent and****Industrial Disputes Act, 1947.”****commencement**

¹ For S.O.R., see *Gazette Extra.*, dt. Oct. 27, 1947.

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(2) It extends to the whole of ²[Uttar Pradesh].

(3) It shall come into force on such date as the [State
Government] may, by notification in the Official *Gazette*, appoint in this
behalf.

Definition

s [2. (a) “Apprentice” means a person employed in an

industry for the purpose of training therein in accordance with a scheme prepared in that behalf and approved by the State

Government;

(b) “Average pay” means the average of the wages payable to a

workman—

(i) in the case of monthly paid workman, in the three complete

calendar months;

(ii) in the case of weekly paid workman, in the four complete

weeks;

(iii) in the case of daily paid workman in the twelve full working

days;

Preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the averages shall be calculated as the average of the wages payable to a workman during the period he

actually worked;

1. This Act has been extended to the areas mentioned in column 1 of this table under the Act or orders mentioned in Column 2 and enforced in such areas under notification, if any, mentioned in Column 3 with effect from the date mentioned in Column 4 against each such area:			
Areas	Act or Order under which extended	Notification, if Date from any, under which enforced	which enforced
1	2	3	4
1. Rampur District 1949	Rampur (Application of Laws) Act, 1950.	--	30-12-
2. Banaras District 1949	Banaras (Application of Laws) Order, 1949	No. 3262(1)/ XVII, dated	30-11-
3. Tehri-Garhwal District 1949	November 30, Tehri-Garhwal Application of Laws) Order, 1949.	No. 3262(2)/ XVII, dated	30-11-
	November 30, 1949.	November 30,	

2. Subs. by the A. O. 1950 for (the United Provinces.)

3. The Act came into force on February 1, 1948, see notification no. 495(ST) XVIII, dt. Jan. 19, 1948, Pt. I, P. 71

4. Subs. by the A. O. 1950 for (Prov. Government)

5. Subs. by S. 2 of U.P. Act of 1957.

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(c) “Award” means an interim or final determination of any industrial dispute or of any question relating thereto by any Labour Court or Tribunal and includes an arbitration award made under

section 5-B;

(d) “Board” means a Conciliation Board constituted under

clause (d) of section 3;

(e)“Central Government” means Central Government as defined

Act No. X of

1897 in clause 8 of section 3 of the General Clauses Act, 1897;

1[(ee)“closure” means the permanent closing down of a place of
employment or part thereof;]

(f)“Conciliation Officer” means a Conciliation Officer appointed
under section 4-F;

(g) “Continuous service” means uninterrupted
service and

includes service which may be interrupted merely on
account of

sickness or authorized leave or an accident or a strike which is not
illegal, or a lock-out or a cessation of work which is not due to any fault
on the part of the workman, and a workman, who, during a period of
twelve calendar months has actually worked in an industry for not less
than two hundred and forty days shall be deemed to have completed one
year of continuous service in the industry.

Explanation—In computing the number of days on which a
workman has actually worked in an industry, the days on which—

Act No. XX

(i) he has been laid-off under an agreement or as permitted by
of 1946 standing orders made under the Industrial Employment (Standing

Orders) Act, 1946, or under this Act or under any other law applicable
to the industrial establishment, the largest number of days during
which he has been so laid-off being taken into account for the purposes

of this clause;

(ii) he has been on leave with full wages earned in the previous

year; and

(iii) in the case of a female, she has been on maternity leave so

however that the total period of such maternity leave shall not exceed
twelve weeks, shall be included.

Act No. XIV

(h)“Controlled Industry” will have the meaning assigned to it in
of 1947 clause (ee) of section 2 of the Industrial Disputes Act, 1947;

(i)“Employer” includes—

(i) an association or a group of employees;

(ii) where an industry is conducted or carried on by a department
of the State Government, the authority specified in that behalf, and

where no such authority has been specified the head
of such

department;

[1. Ins. by sec. 2 of U.P. Act no. 26 of 1983.](#)

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(iii) where an industry is conducted or carried on by or on behalf
of a local authority, the chief executive officer of such authority;

(iv) where the owner of any industry in the course of or for the
purpose of conducting the industry contracts with any person for the
execution by or under such person of the whole or any part of any work
which is ordinarily part of the industry, the owner of such industry;

(j) a person shall be deemed to be independent for the purpose of

his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal, or with any industry directly affected by such dispute:

Provided that no person shall cease to be independent by reason only of the fact that he is a share-holder of an incorporated company which is connected with or likely to be affected by such industrial dispute but in such case he shall disclose to the State Government the nature and extent of the share held by him in such company;

(k) "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workman;

(l) "Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person but does not include an industrial dispute concerning—

(i) any industry carried on by or under the authority of the Central Government or by a Railway Company; or

(ii) such controlled industry as may be specified in the behalf by the Central Government; or

Act no. XIV of 1947 (iii) banking and insurance companies as defined in the Industrial Disputes Act, 1947; or

(iv) a mine or an oil-field;

(m) "Labour Court" means a Labour Court constituted under section 4-A;

(n) "Lay-off" (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stock or the break-down of machinery, or for other reasons to give employment to a workman whose name is borne on the muster-roll of his industrial establishment and who has not been retrenched;

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Explanation—

Every workman whose name is borne on the muster-roll of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purposes during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workmen, instead of being given employment

at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day:

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;

(o) "Lock-out" means the closing of a place of employment, or the suspension of work or the refusal by an employer to continue to employ any number of persons employed by him;

(p) "Prescribed" means prescribed by the rules framed under this Act;

(q) "Public Utility Service" means—

(i) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends;

(ii) any industry which supplies power, light or water to the public;

(iii) any system of public conservancy and sanitation;

(iv) any industry or undertaking which the State Government may, if satisfied that public emergency or public interests require by notification in the official *Gazette*, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the periods so specified shall not, in the first instance, exceed six months but may, by like notification be extended from time to time, by any period not exceeding six months, at any one time, if in the opinion of the State Government public emergency or public interest requires such extension;

(r) "Registration" as respects any settlement means registration in accordance with section 6-B;

(s) "Retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, other than a punishment inflicted by way of disciplinary action,

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(i) voluntary retirement of the workman; or

(ii) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer

and workman concerned contains a stipulation in that behalf;

(t) "Settlement" means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at other than in the course of conciliation proceeding where such an agreement has been signed by the parties thereto in such a manner as may be prescribed and a copy thereof has been sent to the State Government and the Conciliation

Officer;

(u) "State Government" means the Government of Uttar Pradesh;

(v) "Strike" means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept

employment;

(w) "Tribunal" means an Industrial Tribunal appointed under

section 4-B;

(x) "Union" means a Trade Union registered under the Indian

Act No. XVI

of 1926 Trade Unions Act, 1926;

(y) "Wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment, and includes—

(i) such allowances (including dearness allowance) as the

workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles;

(iii) any travelling concession, but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service;

(z) "Workman" means any person (including

an apprentice)

ice)

employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical 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,

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includes any such person who has been dismissed, discharged or retrenched in connexion 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—

Act No. 46 of (i) who is subject to the Army Act, 1950 or the Air Force Act, 1950 1950, or the Navy (Discipline) Act, 1934; or

Act No. 45 of

1950

(ii) who is employed in the police service or as an officer or other

Act No. 34 of employee of a prison; or

1934

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

(iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]¹

Dismissal,

2[2-

A. Where any employer discharges, dismisses, retrenches or etc. of an individual otherwise terminates the services of an individual workman any dispute workman to or difference between that workman and his employer connected with or deemed to be an arising out of such discharge, dismissal, retrenchment or termination industrial shall be deemed to be an industrial dispute notwithstanding that no dispute other workman or any union of workmen is a party to the dispute.]

Power to prevent

3. If in the opinion of the State Government it is necessary or

strikes, lock-outs 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 community, or for maintaining employment, it may, by general or special order, make provision—

(a) for prohibiting, subject to the provisions of the order, strikes or lock-outs generally, or a strike or lock-out in connexion with any industrial dispute;

(b) 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;

(c) 3[****]

4[(c) For appointing committees representative both of the employer and workmen for securing amity and good relations between the employer and workmen and for settling industrial disputes by conciliation ; for consultation and advice on matters relating to production, organization, welfare and efficiency].

¹ Subs. by sec. 2 of U.P. Act no. 1 of 1957.

² Ins. by sec. 2 of U.P. Act no. 34 of 1978.

³ Clause (c) dele. by s. 3 of U.P. Act of 1957.

⁴ Addd by s. 2 of U.P. Act XXV of 1950 as a new clause (cc) but renumbered as clause (c) by s. 3 of U.P. Act of 1957.

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¹ [(d) for constitution and functioning of Conciliation Boards for

settlement of industrial disputes in the manners specified in the order].

(e) for

requiring any public utility service, or any subsidiary undertaking not to close or remain closed and to work or continue to work on such conditions as may be specified in the order;

(f) for exercising control over any public utility service, or any

subsidiary undertaking by authorizing any person (hereinafter referred to as an authorized controller) to exercise with respect to such service,

undertaking or part thereof, such functions of control as may be specified in the order; and on, the making of such order the service,

undertaking or part, as the case may be, shall so long as the order continues to be carried on in accordance with any directions given by

the authorized controller in accordance with the provisions of the order;

and every person having any functions of management of such service, undertaking or part thereof, shall comply with such directions;

(g) for any incidental or supplementary matters which have appeared to

the [State Government] necessary or expedient for the purposes of the order:

Provided that no order made under clause (b)—

(i) shall require an employer to observe terms and conditions of

employment less favourable to the workmen than those which were

applicable to them at any time within three months preceding the date of the order;

(ii) [****]

Control of

4[3-A.

(1) Where the trade or business of any public utility trade or business of a service or any subsidiary undertaking has closed or is likely to be closed, the State Government, may, on the application of more than one service or subsidiary half of the total number of partners and owning between them more than fifty per cent share therein, by order, published in the *Gazette*, authorize any person to carry on the trade or business, for the period, in the manner and to the extent provided in the order:

Provided that no such orders shall be made unless the State

Government is further satisfied that it is necessary for the maintenance

of supplies and services essential to the life of the community or for maintaining employment:

Provided further that the State Government may, from time to

time, by order, published in the *Gazette*, extend the periods specified in the order aforesaid.

(2) While a person authorized under sub-section (1) is carrying on the trade or business of the service or undertaking—

[1. Subs. by sec. 3 of U.P. Act no. 1 of 1957.](#)

[2. Subs. by the A. O. 1950 for \(Prov. l. Govt.\).](#)

[3. Del. by sec. 3 of U.P. Act no. 1 of 1957.](#)

[4. Added by s. 3 of U.P. Act no. XXV of 1950.](#)

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[(a) such persons shall be entitled to the management of the affairs of the service or undertaking to the exclusion of any other person acting or purporting to act on behalf of the firm, and for the purposes of such management shall be entitled to employ such staff for other agency as he thinks fit;

(b) the partners or any other persons shall not have the right to control or take part in the carrying on of the trade or business;

(c) such persons shall be deemed to be acting as the agent of the service or undertaking and subject only to such restrictions as the State Government may impose, shall have in relation to the management of the affairs of the service or undertaking all such powers and authority as the service or undertaking itself would have if its trade or business were not taken over under sub-section (1);

(d) such persons shall not, in respect of such matters relating to the said management as may be specified by order of the State Government, be bound by any obligation or limitation imposed on him as agent of the service or undertaking by or under any law, instrument or contract;

(e) such persons shall be entitled to retain out of the assets of the service or undertaking all costs, charges and expenses of, or incidental to, the said management and such remuneration as may be fixed by the State Government.

(3) No person authorized under sub-section (1) to carry on the trade or business of any service or undertaking shall be personally liable for acts done by him in good faith in the course of management of such trade or business.

(4) Upon the publication of the order under sub-section (1), the State Government shall, by order, direct the partners, directors, secretary, manager or any other person in charge of the management of the said service or undertaking to hand over the management of the

trade or business of the said service or undertaking to the person mentioned in the said order.

(5) The Collector may, at the request of the person, authorized under subsection (1), deliver charge of the service or undertaking to the said person and may take or cause to be taken such steps and use or cause to be used such force as may be necessary for this purpose.

Person 3-B.

Where on the date immediately preceding the date of the exercising control under commencement of the Uttar Pradesh Industrial Disputes (Amendment) section (3f) Act, 1950, any person was, in pursuance of an order made under clause to be deemed to be (f) of section 3, exercising control over any public utility service or any appointed subsidiary undertaking, he shall, notwithstanding anything in the said under section clause or section 3-A, be deemed from the commencement of the said 3-A Act to have been a person validly authorized under and in accordance with section 3-A and the order aforesaid shall have effect.]¹

[1. Add by s. 3 of U.P. Act No. XXV of 1950.](#)

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as if it were an order duly or validly passed under section 3-A.]¹

Power to exempt new industries 2[3(C). Where the State Government is satisfied that to create more economic activities and employment opportunities, it is necessary in the public interest to do so, it may by notification in the established within a period of One Thousand (1000) days after the commencement of the Uttar Pradesh Industrial Disputes (Second amendment) Act, 2020, from all or any provisions of the Act conditionally or unconditionally for a period of One Thousand (1000) days from the date of establishment of such industry or class of industries.]

4. 3[****]

Labour Court 4[4-A. (1) The State Government may, by notification in the adjudication of industrial disputes relating to any matters specified in the First Schedule and for performing such other function as may be assigned to them under this Act.

(2) A Labour Court shall consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Labour Court unless—

5[(a) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, or of any Tribunal, for a period of not less than two years; or

(c) he has been a Presiding Officer of a Labour Court constituted under any Provincial or State Act for a period of not less than five years; or]

(d) he has held any judicial office in India for not less than seven years; or

(c) he is enrolled in the list prepared under section 4-D.

Tribunal **4-B.** (1) The State Government may, by notification in the official *Gazette*, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter whether specified in the First Schedule or the Second Schedule.

(2) A Tribunal shall, except where otherwise provided under section 5-A, consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Tribunal unless—

(a) he is or has been a Judge of a High Court; or

6[(aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or]

[1. Add. bys. 3 of U.P. Act XXV of 1950.](#)

[2. Ins. by sec. 2 of U.P. Act No. 15 of 2021.](#)

[3. Section 4 dele. bys. 4 of U.P. Act of 1957.](#)

[4. Section 4-A to 4-K add. bys. 4 of U.P. Act of 1957.](#)

5. Original clauses (a) and (b) re-lettered as clauses (d) and (e) and new clauses (a) to (c) added bys. 2 of U.P. Act of 1966.

6. Add. bys. 3 of U.P. Act of 1966

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Act No. 48 of

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(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, for a period of not less than two years or of any Tribunal constituted under the U.P. Industrial Disputes Act, 1947, for a period of not less than five years; or

(c) he is enrolled in the list prepared in accordance with section 4-D.

(4) The State Government may, if it so thinks fit, appoint up to two persons as assessors to advise the Tribunal in the proceedings before it.

Disqualifications

4-

C. No person shall be appointed to, or continue in, the office **for the Presiding Officer of** of the Presiding Officer of a Labour Court or Tribunal, if—
Labour Court or Tribunal

(i) he is not an independent person; or

(ii) he has attained the age of 65 years.

List of persons

4-

D. For the purpose of constituting a Labour Court under **for appointment as Presiding a** section 4-A and an Industrial Tribunal under section 4-B, the State **Officer of** Governments shall cause to be prepared—
Labour Court or Tribunal

(i) a list of all persons whom may be appointed Presiding Officer of a Labour Court, and

(ii) a list of all persons whom may be appointed Presiding Officer of an Industrial Tribunal.

and shall maintain the list by making such alterations therein as may, from time to time, be reported by the Committee appointed under section 4-E.

Committee to

4-

E.1[(1) The State Government shall constitute a committee prepare lists

under section

consisting of the following:—

4-D

(a) two Judges of the High Court nominated by the Chief Justice of the High Court. The Judge, who is senior, shall be the Chairman;

(b) the Chief Secretary to the State Government;

(c) the Principal Secretary or Secretary as the case may be, to the State Government in the Labour Department;

(d) the Principal Secretary to the State Government in the Legislative Department;

(e) the Principal Secretary to the State Government in the Judicial Department;

(f) the Labour Commissioner, Uttar Pradesh;

(g) a person who is or has been, a member of a Public Service Commission, appointed by the State Government.]

[1.Subs.by sec.2 of U.P. Act no.21 of 2000.](#)

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(2) The Committee constituted under sub-section (1) shall, in the manner prescribed, prepare the lists referred to in section 4-D having

regard—

(a) in the case of the list referred to in clause (i) of the said section, to the education and practical experience of the person in matters relating to Labour and Industry, and

(b) in the case of the list referred to in clause (ii) thereof, also to special knowledge of the person in those matters.

1[(3) Only such persons shall be eligible for enrolment in the lists prepared under sub-section (2) who is or has been a member of the State Higher Judicial Service or the Uttar Pradesh Nyayik Sewa, or is or has been a member of the Indian Administrative Service, or the State Civil Service (Executive Branch) or the State Labour Service and has experience of dispensation of justice for a period of at least three years.]

Conciliation 4-F.(1) The State Government may, by notification in the official Officer

Conciliation Officers, charged with the duty of mediating in, and

promoting the settlement of, industrial disputes, in the manner to be

prescribed.

(2) A Conciliation Officer may be appointed for specified areas or areas.

Filling of 4-G. If, for any reason a vacancy occurs in the office of the vacancies

Presiding Officer of a Labour Court or Tribunal, the State Government

shall appoint any other person in accordance with the provision of this Act to fill the vacancy, and the proceedings may be continued before the Labour Court or Tribunal, as the case may be, from the stage at which the vacancy is filled.

Finality of 4-H. No order of the State Government appointing any person on orders

the Board or as the Presiding Officer of a Labour Court or Tribunal shall be called in question in any manner; and no actor proceeding before any Board, Labour Court or Tribunal shall be called in question in any manner on the ground merely of the existence of any vacancy in, or defect in, the constitution of such Board, Labour Court or Tribunal.

Notice of 4-I. No employer who proposes to effect any change in the change

conditions of service applicable to any workman in respect of any matter specified in the Third Schedule, shall effect such change,—

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice.

[1. Subs. by sec. 2 of U.P. Act no. 02 of 2007.](#)

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change— Provided that no notices shall be required for effecting any such

(i) where the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate) Tribunal Act, 1950; or

¹ [(ii) where the change is likely to affect workmen who are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Service (Temporary Service) Rules, Civil Service Regulations or any other rules or regulations that may be notified in this behalf by the State

Government in the official *Gazette*, apply.]

Power of 4-J. Where the State Government is of opinion that the

Government

to exempt application of the provisions of section 4-I to any class of industrial establishments or to any class of workmen employed in any industrial establishment affects the employers in relation thereto so prejudicially that such application may cause serious repercussion on the industry concerned and that public interests so require, the State Government may, by notification in the official *Gazette*, direct that the provisions of the said section shall not apply or shall apply, subject to such conditions as may be specified in the notification, to that class of industrial establishments or to that class of workmen employed in any industrial establishment.

Reference of 4-K. Where the State Government is of opinion that any

dispute to

Labour Court industrial dispute exists or is apprehended, it may at any time by order

or Tribunal in writing refer the dispute or any matter appearing to be connected with, or relevant to, the dispute to a Labour Court if the matter of industrial dispute is one of those contained in the First Schedule, or to a Tribunal if the matter of dispute is one contained in the First Schedule or the Second Schedule for adjudication:

Provided that where the dispute relates to any matters specified in the Second Schedule and is not likely to affect more than one hundred workmen, the State Government may, if it, so thinks fit, make the reference to a Labour Court.]²

Power to 5. (1) Where an industrial dispute referred to

include other undertakings adjudication ³ [under section 4-K] has arisen only in a particular in any undertaking or group of undertakings, the ⁴ [State Government] may

adjudication include in the adjudication proceedings any other undertaking either of its own motion or on an application received in this behalf, whether an industrial dispute exists at the time in that undertaking or not, provided that the ⁴ [State Government], is satisfied—

¹ [Subs. by sec. 3 of U.P. Act no. XXIII of 1957.](#)

² [Sections 4-A to 4-K add. by s. 4 of U.P. Act of 1957.](#)

³ [Subs. by sec. 5\(1\) of U.P. Act of 1957.](#)

⁴ [Subs. by A.O. 1950 for \(Prov. Govt.\).](#)

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(i) that the undertaking to be so included is engaged in the same type of industry or business as the undertaking

or the group of undertakings

¹ [****]

¹ [(ii) that the issues involved in the industrial dispute referred for adjudication have already given rise, or are such as, in the circumstances, may reasonably be expected to give rise, to a similar dispute in the undertaking to be so included.]

(2) When an undertaking has been included in adjudication proceedings under subsection (1), the provisions of any order made under this Act shall, save as may be expressly provided to the contrary in any such order or award, apply to and in relation to such undertaking as they apply to and in relation to any undertaking or group of undertakings in which the industrial dispute referred for adjudication arose.

Special 2[5-

A. (1) Where any industrial dispute may be referred to a composition of Tribunal Industrial Tribunal under section 4-K, the State Government, if, having regard to the nature of the dispute and the effect which its decision is likely to have on industry or any section thereof, or if the dispute is such as is likely to affect more than one industrial establishment, it so considers necessary, may constitute, notwithstanding anything in the said section, a tribunal consisting of three persons of whom one to be designated by the State Government, shall be the Chairman.

(2) Except as provided in sub-section (1) all the provisions of this Act relating to award, its modification and enforcement shall *mutatis mutandis* apply to a Tribunal constituted under this section.

Voluntary reference of disputed to arbitration **5-B.** (1) Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the dispute has been referred under section 4-K to a Labour Court or Tribunal by a written agreement, refer the dispute to arbitration and the references shall be to such person or persons (including the Presiding Officer of a Labour Court or a Tribunal) as an arbitrator or arbitrators as may be specified in the arbitration agreement.

(2) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.

[1. Clause \(ii\) deleted by S. 5\(ii\) of U.P. Act of 1957 and clause \(iii\) renumbered as clause \(ii\).](#)

[2. Sections 5-A to 5-E added by 6 of U.P. Act of 1957.](#)

[United Provinces Industrial Dispute Act, 1947]

(3) A copy of the arbitration agreement shall be forwarded to the State Government, the Conciliation Officer and Labour Commissioner, and the State Government shall within fourteen days from the date of receipt of such copy publish the same in the official *Gazette*.

(4) The arbitrator or arbitrators shall investigate the dispute and submit to the State Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

Act No. X of

(5) Nothing in the Arbitration Act, 1940 shall apply to arbitrations 1940 under this section.

Procedure and powers of Boards, Labour Courts and Tribunals **5-C.** (1) Subject to any rules that may be made in this behalf, an arbitrator, a Labour Court or a Tribunal shall follow such procedure as the arbitrator, the Labour Court or the Tribunal concerned may think fit.

(2) A Presiding Officer of a Labour Court or a Tribunal may for the purpose of enquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates.

(3) Every Board, Labour Court and Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, Act V of 1908 1908, when trying a suit in respect of the following matters namely—

(a) enforcing the attendance of any person and examining him on oath or affirmation or otherwise;

(b) requiring discovery and production of documents and material objects;

(c) issuing commissions for the examination of witnesses;

(d) inspection of any property or thing, including machinery concerning any such dispute; and
 of (e) in respect of such other matters as may be prescribed;
Act XLV 1860
 and every enquiry or investigation by a Labour Court or Tribunal shall
 be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

Power of the Conciliation Officer **5-D.** (1) A Conciliation Officer may call for and inspect any document which he has ground for considering to be relevant to the industrial dispute or which he considers necessary for verifying the implementation of any award or for carrying out any other duty imposed on him under this Act, and for the aforesaid purposes, the Conciliation Officers shall have the same powers as are vested in a Civil Court under the Civil Procedure Code, 1908 in respect of compelling the production of document before it.

(2) A Conciliation Officer may, for the purpose of enquiry into any existing or apprehended dispute after giving reasonable notice enter the premises occupied by any establishment.

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Award of 5-E. Subject to any rules made under this Act, the cost of, and costs

incidental to, any proceeding before an Arbitrator, a Labour Court or a Tribunal shall be in the discretion of the arbitrator, Labour Court or Tribunal, and the Arbitrator, Labour Court or Tribunal, as the case may be, shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purpose aforesaid and such costs may, on application made to the State Government by the person entitled, be recovered by the State Government in the same manner as

an arrear of land revenue.]¹

Awards and action to be taken thereon. **2 [6.** (1) Where an industrial dispute has been referred to a Labour Court or Tribunal for adjudication, it shall hold its proceedings expeditiously and shall as soon as it is practicable on the conclusion thereof, submit its award to the State Government.

(2) The award of a Labour Court or Tribunal shall be in writing and shall be signed by its Presiding Officer.

3[(2-A) An award in an industrial dispute relating to the discharge or dismissal of a workman may direct the setting aside of the discharge or dismissal and reinstatement of the workman on such terms and conditions if any, as the authority making the award may think fit, or granting such other relief to the workman, including the substitution of any lesser punishment for discharge or dismissal, as the circumstances of the case may require.]

(3) Subject to the provisions of sub-section (4) every arbitration award and the award of a Labour Court or Tribunal shall, within a period of thirty days from the date of its receipt by the State Government, be published in such manner as the State Government

thinks fit.

4 [(4) Before publication of an award of a Labour Court or Tribunal under sub-section (3), if the State Government is of the opinion

that,—

- (a) the adjudicating authority has unreasonably refused permission to any party to adduce evidence; or
- (b) any party was prevented by any other sufficient cause from adducing evidence; or
- (c) new and important material fact or evidence has come to notice, which after the exercise of due diligence, was not within the knowledge of or could not be produced by, the party at the time when the award was made; or

[1. Section 5-A to 5-E add. by s. 6 of U.P. Act of 1957.](#)

[2. Subs. by s. 7 of U.P. Act of 1957.](#)

[3. Ins. by s. 4 of U.P. Act 34 of 1978.](#)

[4. Subs. by s. 2 of U.P. Act 03 of 1991.](#)

[United Provinces Industrial Dispute Act, 1947]

- (d) the award is likely to disturb the industrial peace; or
- (e) the award is likely to affect prejudicially the national or State economy; or
- (f) the award is likely to interfere with the principles of social justice; or
- (g) the award has left undetermined any of the matters referred for adjudication, or where it determines any matter not referred for adjudication and such matter cannot be separated without affecting the determination of the matters referred; or
- (h) the award is so indefinite as to be incapable of being enforced; or
- (i) illegality of the award is apparent upon the face of it, it may, after giving the parties reasonable opportunity of being heard, for reasons to be recorded, remit the award for reconsideration of the adjudicating authority, and that authority shall, after reconsideration, submit its award to the State Government, and the State Government shall publish the award in the manner provided in sub-section (3).]

(5) Subject to the provisions of section 6-A, an award published under sub-section (3) shall be final and shall not be called in question in any court in any manner whatsoever.

(6) A Labour Court, Tribunal or Arbitrator may, either of its own motion or on the application of any party to the dispute, correct any

clerical or arithmetical mistakes in the award, or errors arising therein from any accidental slip or omission. Whenever any correction is made as aforesaid, a copy of the order shall be sent to the State Government and the provision of this Act relating to the publication of an award shall mutatis mutandis apply thereto.

Commencement**6-**

A.(1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under section 6;

Provided that if the State Government is of the opinion that it will be inexpedient,² [on public grounds affecting national or State economy or social justice] to give effect to the whole or any part of the award, the State Government may, by notification in the official *Gazette*, declare that the award shall not become enforceable on the expiry of the said period of thirty days;

Provided further that an arbitration award shall not become enforceable where the State Government, after such enquiry, as it

(2) Where any declaration has been made in relation to an award under the first proviso to sub-section (1), the State Government

[1. Subs. bys. 2 of U.P. Act no. 3 of 1991.](#)

[2. Subs. bys. 4 of U.P. Act XXIII of 1957.](#)

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considers necessary, is satisfied that the same has been given or obtained through collusion, fraud or misrepresentation. may within ninety days from the date of publication of the award under section 6, make an order rejecting or modifying the award, and shall on the first available opportunity lay the award together with a copy of the order before the Legislature of the State.

(3) Where any award is rejected or modified by an order made under sub-section (2) is laid before the Legislature of the State, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid and where no order under sub-section (2) is made in pursuance of a declaration under the first proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-sections (1) and (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1) or sub-section (3) as the case

maybe.]

**Settlement
outside**

1 [6-B.(1) A settlement arrived at by agreement between the

conciliation employer and workmen otherwise than in the course of conciliation proceedings shall, except as provided in sub-section (4), be binding on the parties to the agreement;

Provided that if the period for which a settlement shall remain in force, has not been laid down in such settlement itself, it shall remain in force for one year from the date of its registration.

(2) As soon as a settlement referred to in sub-section (1) has been arrived at, the parties to the settlement or any one of them may apply to the Conciliation Officer of the area concerned in the prescribed manner for registration of the settlement.

(3) On receipt of application for registration under sub-section (2) the Conciliation Officer or an authority notified by the State Government in this behalf, either (i) register the settlement in the prescribed manner, or (ii) refuse registration if it considers it to be inexpedient to do so on public grounds affecting social justice, or if the settlement has been brought about as a result of collusion, fraud or misrepresentation.

(4) Where a settlement under sub-section (1) has refused registration, it shall not be binding under this Act.

Award of 1 [6-C. An award shall in the first instance remain in operation for Labour Court or Tribunal a period of one year or such shorter period as may be specified therein; or arbitration and its Provided that the State Government may extend the period of operation. operation of an award from time to time, if it thinks fit;

[1. Sections 6-B to 6-R add. by S. 8 of U.P. Act of 1957.](#)

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Provided further that where the State Government whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material

change in the circumstances on which it was based, the State

Government may, after such enquiry as it may think fit, shorten the period of operation of the award.

Commencement and conclusion of proceedings [6-D. Proceedings before a Labour Court or Tribunal shall be deemed to have commenced on the date of reference of a dispute to adjudication, and such proceedings shall be deemed to have concluded on the date on which the award becomes enforceable under

section 6-A.

Condition of service, etc. to remain unchanged in certain circumstances during the pendency of proceedings. 6-E. (1) During the pendency of any conciliation proceeding before a Conciliation Officer or a Board or of any proceeding before a Labour Court or Tribunal in respect of an industrial dispute, no employers shall—
(a) in regard to any matter connected with the dispute, alter to the prejudice of the workmen concerned in such dispute, the

conditions of service applicable to them immediately
before the
commencement of such proceeding, or

(b) for any misconduct connected with the dispute, discharge or
punish, whether by dismissal or otherwise, any workman concerned in
such dispute, save with the express permission in writing of the
authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an
industrial dispute, the employer may, in accordance with the standing
orders applicable to a workman concerned in such dispute—

(a) in regard to any matter not connected with the dispute, the
conditions of service applicable to that workman immediately before the
commencement of such proceeding, or

(b) for any misconduct not connected with the dispute,
discharge or punish whether by dismissal or otherwise that workman;

Provided that no such workman shall be
discharged or

dismissed, unless she has been paid wages for one month and an
application has been made by the employer to the authority, before
which the proceeding is pending, for approval of the action taken by the

employer.

(3) Notwithstanding anything contained in sub-section (2) no
employer shall, during the pendency of any such proceedings in respect
of an industrial dispute take any action against any protected workman
concerned in such dispute—

(a) by altering to the prejudice of such protected workman, the
conditions of service applicable to him immediately
before the
commencement of such proceeding, or] 1

[1. Ins. bys. 8 of U.P. Act No. 1 of 1957.](#)

[United Provinces Industrial Dispute Act, 1947]

(b) by discharging or punishing, whether by
dismissal or
otherwise; such protected workman, save with the express permission
in writing of the authority before which the proceeding is pending.

Explanation—For the purpose of this sub-section, a protected
workman in relation to an establishment means a workman who, being
an officer of a registered trade union, connected with the establishment,
is recognized as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be
recognized as protected workmen for the purposes of sub-section (3)
shall not exceed one percent of the total number of workmen employed
therein subject to a minimum number of five protected workmen and a
maximum number of one hundred protected workman and for the
aforesaid purpose, the State Government may make rules providing for
the distribution of such protected workman among various trade unions
if any workman, connected with the establishment and the manner in

which they may be chosen and recognized as protected workmen.

(5) Where an employer makes an application to a Board, Labour Court or Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, as expeditiously as possible, such order in relation thereto as it deems fit.

Special 6-F. Where an employer contravenes the provision of section provision for adjudication 6-E during the pendency of proceedings before a Labour Court or Tribunal, any workmen aggrieved by such contravention may make a complaint in writing in the prescribed manner, to the Labour Court or Tribunal as the case may be, and on receipt of such complaint that changed during the Labour Court or Tribunal as the case may be, shall adjudicate upon the pendency of complaint as if it were a dispute referred to or pending before it in proceedings

accordance with this Act and shall submit its award to the State Government and the provision of this Act shall apply accordingly.

Power to 6-G. [(1) The State Government may, by order in writing for transfer certain reasons to be recorded withdraw and transfer a proceeding from— proceedings

(i) one Labour Court to another Labour Court or any Tribunal;

(ii) one Tribunal, to another Tribunal or to a Labour Court, if the dispute is within the jurisdiction of the Labour Court, for the disposal of the proceeding and the Labour Court or Tribunal to which the proceeding is so transferred may, subject to any special directions in the order of transfer, proceed either de novo or from the stage at which the proceeding was so transferred.]

Provided that where a proceeding under section 6-E or section 6-F is pending before a Tribunal the proceeding may also be transferred to a Labour Court.

[1.Subs.bys.5ofU.P.Act34of1978.](#)

[United Provinces Industrial Dispute Act, 1947]

(2) Without prejudice to the provisions of sub-section (1) any Tribunal, if so authorized by the State Government, may transfer any proceeding under section 6-E or section 6-F pending before it to any one of the Labour Courts specified for the disposal of such proceedings by the State Government by notification in the official *Gazette* and the Labour Court to which the proceeding is so transferred shall dispose of the same.

Recovery of

6-H.

[(1) Where any money is due to a workman from an employer under the provisions of sections 6-J to 6-R or under a settlement or award, or under an award given by an adjudicator or the U.P. Act of 1957

State Industrial Tribunal appointed or constituted under this Act before the commencement of the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the workman, may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government is satisfied that any money is due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same as if it were an arrear of land revenue.]¹

(2) Where any workman is entitled to receive from his employer any benefit which is capable of being computed in terms of money, the amount at which such benefits should be computed may, subject to any rules, that may be made under this act, be determined by such Labour Court as may be specified in this behalf by the State Government, and the amounts so determined may be recovered as provided for in sub-section (1).

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a Commissioner in the prescribed manner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after

considering the report of

Representation

6-I. (1) Subject to the provisions of sub-section (2) and (3), the parties.

parties to an industrial dispute may be represented before a Board, Labour Court, or Tribunal in the manner prescribed.

(2) No party to any proceeding before a Board shall be represented by a legal practitioner, and no party to any proceeding before a Labour Court or Tribunal shall be represented by a legal practitioner, unless the consent of the other party or parties to the proceeding and the leave of the Presiding Officer of the Labour Court or Tribunal, as the case may be, has been obtained.

(3) No officer of a Union shall be entitled to represent any

Act No. XVI of 1926

ion

en

party unless a period of two years has elapsed since its registration

under the Indian Trade Unions Act, 1926 and the Union has been registered for one trade only:

[1.Subs.bys.5ofU.P.ActXXIIIof1957.](#)

[2.Subs. bys.6ofibid.](#)

[UnitedProvincesIndustrialDisputeAct,1947]

Providedthatanofficerofafederationofunionsmay
subjectto
suchconditions,asmaybe,prescribedrepresentanyparty.]1

**Non-
application
ofthe
provisionfor
lay-offin
certaincases.**

6-J.(1)Sections6-Kto6-Minclusiveshallnotapply—

(a)toindustrialestablishmentinwhichlessthanfiftyworkmen
onanaverageperworkingdayhavebeenemployedinthepreceding
calendarmonth,or

(b)toindustrialestablishmentswhichareofaseasona
lcharacter orinwhichworkisperformedonlyintermittently.

(2)Ifaquestionariseswhetheranindustrialestablishmentis
of a seasonal character or
whether work is performed therein
only
intermittently,the decisionoftheStateGovernmentthereonsh
allbe final.

Explanation—Inthissectionandinsections6-K,6-

Land6-M“industrialestablishment”means—

ActNo.63of (i)afactoryasdefinedinclause(m)ofsection2oftheFactories
1948 Act,1948,or

ActNo.25of (ii)
amineasdefinedinclause(j)ofsection2oftheMinesAct, 1952
1952,or

ActNo.69of (iii)aplantationasdefinedinclause(f)ofsection2ofthe 1951
PlantationLabourAct,1951.

**Rightof
workmen**

6-K.(1)Wheneveraworkman(otherthanasubstituteora

laid-offfor casualworkman)whosenameisborneonthemasterrollsofan
compensa-industrialestablishmentandwhohascompletednotlessthanoneyear
tion.

ofcontinuousserviceunderanemployerislaid-
off,heshallbepaidby
theemployerforalldaysduringwhichheissolaid-
off,exceptforsuch
weeklyholidaysasmayintervene,compensationwhichshallb
eequalto
fiftypercentofthetotalofthebasicwagesanddearnessallowan
cethat wouldhavebeenpayabletohimhadhenotbeensolaid-
off:

Providedthatthecompensationpayabletoaworkma
nduring
anyperiodoftwelvemonthsshallnotbeprethanforty-
fivedays.

(2)Notwithstandinganythingcontainedintheprovi
sotosub-
section(1),ifduringanyperiodoftwelvemonths,aworkmenis
laid-off formorethanforty-
fivedays,whethercontinuouslyorintermittently andthelay-
offaftertheexpiryofthefirstforty-fivedayscomprises
continuousperiodofoneweekormore,theworkmanshall,unl

essthere
 isanyagreementtothecontrarybetweenhimandtheemployer,
 be
 paid,forallthedaysoftheperiodineverysuchsubsequentperiod
 oflay-
 offforanewweekormore,compensationattheratespecifiedins
 ub-section(1);

Providedthatitshallbelawfulfortheemployerinany
 case fallingwithinthissub-
 sectiontoretrenchtheworkmaninaccordance

[1.Subs.bys.6ofU.P.ActXXIIIof1957.](#)

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withthe provisions contained in section 6-N at any time after the expiry
 of the first forty-five days of lay-off and when he does
 so, any
 compensation paid to the workman for having been laid-off during the
 preceding twelve months may be set-off against the compensation
 payable for retrenchment.

Explanation—“Substituteworkman” means a workman who is

employed in an industrial establishment in the place of
 another

workman whose name is borne on the muster rolls of the establishment,
 but shall cease to be regarded as such for the purposes of this section, if
 he has completed one year of continuous service in the establishment.

Duty of an employer to maintain muster rolls of workmen. **6-L.** Notwithstanding that workman in any
 industrial

establishment have been laid-off, it shall be the duty of every employer
 to maintain for the purposes of sections 6-J to 6-R a muster roll, and to

provide for the making of entries therein by workmen whomay present
 themselves for work at the establishment at the appointed time during
 normal working hours.

Workmen not entitled to compensation in certain cases. **6-M.** No compensation shall be paid to a workman who has been
 laid-off—

(i) if he refuses to accept any alternative employment in the same
 establishment from which he has been laid-off or in any
 other

establishment belonging to the same employers situated in the same town
 or village or situated within a radius of five miles from the establishment
 to which he belongs, if, in the opinion of the employer, such alternative
 employment does not call for any special skill or previous experience
 and can be done by the workman provided that the wages which would
 normally have been paid to the workmen are offered for the alternative
 employment also;

(ii) if he does not present himself for work at the establishment at
 the appointed time during normal working hours at least once a day;

(iii) if such laying-off is due to a strike or slowing down of
 production on the part of workmen in another part of the establishment.

Conditions **6-N.** No workman employed in any industry who has been in

**precedent to
retrenchment
of workmen.**

continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid *in lieu* of such notice, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service.

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay for every completed year of service or any part thereof in excess of six months; and

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(c) notice in the prescribed manner is served on the State Government.

Special

6-

O. Notwithstanding anything contained in section 6-N no provisions relating to

by workmen

yers in employed in
undertakings

ng in which are

by transferred.

Provided that—

workman shall be entitled to compensation under that section

reasons merely of the fact that there has been a change of emplo

any case where the ownership or management of the undertaki

which he is employed is transferred, whether by agreement or operation of law, from one employer to another;

(a) the service of the workman has not been interrupted by reason of the 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 employer to whom the ownership or management of the undertaking is so transferred is, under the terms of the 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.

Procedure for

6-

P. Where any workman in an industrial establishment, who retrenchment

ular

ny

alf, the

is a citizen of India, is to be retrenched and he belongs to a partic

category of workmen in that establishment, in the absence of a

agreement between the employer and the workman in this beh

ast employers shall ordinarily retrench the workman who was the person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

Reemployment**6-**

Q. Where any workman is retrenched, and the employer of retrenched workmen propose to take into his employ any persons, he shall, in such

manner as may be pre

Effect of laws**6-R. (1)** The provisions from sections 6-J to 6-

Q shall have inconsistent with sections

effect notwithstanding anything inconsistent therewith cont

ained in 6-J to 6-Q.

any other law (including Standing Orders) made under the Ind

ustrial Act XX of

1946

Employment (Standing Orders) Act, 1946;

Act XI of 1948

Provided that nothing contained in this Act shall have effect to

derogate from any right which a workman has under the Mini

mum

Wages Act, 1948, or any notification or order issued thereunder award for the time being in operation or any contract with the employer.

er or any

(2) For the removal of doubts, it is hereby declared that nothing contained in sections 6-J to 6-R shall be deemed to affect the provision

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of any other law for the time being in force so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchments shall be determined in accordance with the provisions of sections 6-J to 6-Q.]

Prohibition**2[6-**

S. (1) No person employed in an industrial establishment of illegal

strikes and shall go on strike—

lock-outs

(a) without giving to the employer a notice of strike within thirty days before striking; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceeding before a

Conciliation Officer or Board and thirty days after the conclusion of

such proceeding, if he is concerned in the dispute which is the subject-matter of such proceeding; or

(e) between the commencement and the conclusion of a proceeding

before a Labour Court or a Tribunal if he is concerned in the dispute which is the subject-matter of such proceeding; or

(f) during any period in which a settlement or award is in

n

operation, in respect of the matters covered by the settlement or award.

(2) No employers shall lock-out any of his workmen—

(a) without giving him notice of Lock-out within thirty days before locking out; or

(b) without fourteen days of giving such notice; or

(c) before the expiry of the date of lock-outs specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceeding before a Conciliation Officer or Board and thirty days after the conclusion of

such proceeding, if the workman is concerned in the dispute which is the subject-matter of such proceeding; or

(e) between the Commencement and the conclusion of proceeding before a Labour Court or a Tribunal, if the workman is concerned in the dispute which is the subject-matter of such proceeding; or

(f) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

[1. Sections 6-B to 6-R add by s. 8 of U.P. Act of 1957.](#)

[2. Sections 6-Sto 6-U add by s. 7 of U.P. Act XXIII of 1957.](#)

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(3) The notice of strike or lock-out under this section shall not be necessary where a lock-out or a strike already exists in the industrial establishment, but the employers shall send intimation of the lock-out or strike on the day on which it is declared to such authority as may be prescribed.

(4) Every notice of strike or lock-out under this section shall specify a date within three days of which, if no strike or lock-out takes place in pursuance of the notice, then the notice shall cease to have effect and fresh notices shall have to be given for a strike or lock-out.

(5) The notice of strike, referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner, as may be prescribed.

(6) The notice of lock-out referred to in sub-section (2), shall be given in such manner as may be prescribed.

Illegal strikes 6-T. (1) A strike or lock-out shall be illegal if it is commenced or and lock-outs

declared in contravention of section 6-S or is continued beyond the date on which the industrial dispute to which the strike or a strike may be, the lock-out relates, is taken up by a Board or is referred for adjudication to a Labour Court or Tribunal.

(2) A strike declared in consequence of an illegal lock-out or a lock-out declared in consequence of an illegal strike in an industrial establishment, shall not be deemed to be illegal.

Prohibition 6-U. No person shall, aid, instigate or incite others to take part

of instigation

or incitement in or otherwise act in furtherance of any strike lock-out which is, or
to illegal when commenced, will be in contravention of the provision of this Act.]
strikes and
lock-outs

1[Application 1[6-V.(1) The provisions of section 6-W and 6-X shall apply to
of sections an industrial establishment pertaining to an industry other than an
6-W and 6-X]

industry referred to in sub-clause (i) of clause (a) of section 2 of the
Industrial Disputes Act, 1947 (not being an establishment of a seasonal
character or in which work is performed only intermittently) in which
not less than three hundred workmen were employed on an average per
working day for the preceding twelve months;

(2) If a question arises whether an industrial establishment is of
a seasonal character or whether work is performed therein
only
intermittently; the decision of the State Government thereon shall be

final.

Procedure for 6-W. (1) An employer who intends to close down an undertaking
closing down
an of an industrial establishment shall, in the prescribed manner, apply,
undertaking for prior permission, at least ninety days before the date on which the
intended closure is to become effective, to the State Government, stating
clearly the reasons for the intended closure of the undertaking and a

[1.Ins.bys.3ofU.P.Act26of1983.\(6v-6xinserted\)](#)

[United Provinces Industrial Dispute Act, 1947]

copy of such applications shall also be served simultaneously on the
representatives of the work-men in the prescribed manner;

Provided that nothing in this sub-
section shall apply to an
undertaking set up for the construction of buildings, bridges, roads,
canals, dams or for other construction work.

(2) Where an application for permission has been made under
sub-section (1), the State Government, after making such enquiry as it
thinks fit and after giving a reasonable opportunity of being heard to the
employer, the workmen and the persons interested in such closure may,
having regard to the genuineness and adequacy of the reasons stated by
the employer, the interests of the general public and all other relevant
factors, by order and for reasons to be recorded in writing, grant or
refuse to grant such permission and a copy of such orders shall be
communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1)
and the State Government does not communicate the order granting or
refusing to grant permission to the employer within a period of six
months

days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the State Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The State Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication;

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the

[United Provinces Industrial Dispute Act, 1947]

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average—pay for every completed year of continuous service for any part thereof in excess of six months.

Special 6-X. (1) If the State Government is of opinion in respect of any provisions as to the undertaking of an industrial establishment which has been closed down restarting of before or after the commencement of the Uttar Pradesh Industrial Disputes (Amendment) Act, 1983—

(a) that such undertaking was closed down other than on account of unavoidable circumstances beyond the control of the employer;

(b) that there are possibilities of restarting the undertaking;

(c) that it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance

of supplies and service essential to the life of the community to re-start the undertaking or both; and

(d) that the re-starting of the undertaking will not result in hardship to the employer in relation to the undertaking;

it may, after giving an opportunity to such employer and

workmen for reasons to be recorded in writing direct, by order published in the *Gazette*, that the undertaking shall be re-started within such time (not being less than one month from the date of the order) as may be specified in the order.

(2) Where the employer is aggrieved from an order passed under sub-section (1), he may refer the matter in the prescribed manner to the Tribunal for adjudication and the Tribunal may pass such orders as it thinks proper and reasonable in the circumstances of the case.]¹

Power to 7. Without prejudice to the generality of the powers vesting continue order passed under sections 2 [the provisions of this Act] the 3 [State Government] may, under other by order, for the purposes contemplated in section 3— enactments

(i) continue, with such modifications as it may consider

necessary, under such conditions, and for such period as may be specified in the order, any order which was previously passed under any other enactment in force, enforcing all or any of the decisions of an adjudicator or recommendations of a conciliator or any agreement reached in conciliation proceedings between the parties to an industrial

dispute.

¹ *Ins. bys. 3 of U.P. Act No. 26 of 1983.*

² *Subs. bys. 9 (i) of U.P. Act of 1957.*

³ *Subs. by A.O. 1950 for (Prov'l. Govt.)*

[United Provinces Industrial Dispute Act, 1947]

(ii) enforce 1 [in the prescribed manner] for such period as may be specified, the whole or any part of an agreement reached in conciliation proceedings between the parties to an industrial dispute.

Power to

obtain information the may—

8. Without prejudice to any other provision contained in this Act

2 [State Government] or an officer authorized by it in this behalf

(i) require by order any person to furnish or produce before any specified authority or person such information

(ii) authorize any person to enter or search any premises, or to inspect and seize any books or other documents or articles belonging to or under the control of any person which the [State Government] 2 or the officer making the order may consider necessary for enforcing such order.

**False
statement**

9. If any person—

(i) when required by order to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular; or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by order to furnish, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to

10. Where any person is required by order to make any require

production of statement or furnish any information to any authority, that authority books, etc. may by order with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

**Prohibition
against**

11. (1) No person who obtains any information by virtue of this

disclosing Act, shall, otherwise than in connexion with the execution of the information provision of this Act or any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of the [State Government].

(2) If any person contravenes the provisions of subsection (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

**Delegation of
powers**

3 [11-A. The State Government may, by notification in the

official Gazette, direct that any power exercisable by it under this Act

[1. Subs. bys. 9\(ii\) of U.P. Act of 1957.](#)

[2. Subs. by A.O. 1950 for \(Provl. Govt.\)](#)

[3. Sections 11-A to 11-F added bys. 10 of U.P. Act of 1957.](#)

[United Provinces Industrial Dispute Act, 1947]

1 [or rules made thereunder shall, in relation to such matter and subject to such conditions, if any, as may be specified, in the direction, be exercisable also by such officers or authorities subordinate to the State Government as may be specified in the notification.

**Power to
remove**

11-B. (1) If in the opinion of the State Government any difficulty

difficulties

or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court or Tribunal

as it may think fit.

(2) The Labour Court or Tribunal to which such question is referred, shall after giving the parties an opportunity of being heard, decide such question and its decisions shall be final and binding on all

such parties.

Interpretation,

11-C. If any question arises as to the application or

etc. of

standing

interpretation of a standing order certified under the Industrial

orders
Act No. 20 of
1946

Employment (Standing Orders) Act, 1946 any employer or workman may refer the question to anyone of the Labour Courts specified for the disposal of such proceedings by the State Government by notification in the official *Gazette*, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decisions shall be final and binding on the

parties.

Conciliation
Officers and

11-D. Every Conciliation Officer and every member and

certain others
to be public
servants
Act No. 45 of

Chairman of a Board and every Presiding Officer of a Labour Court or Tribunal shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Labour Court
or Tribunal to
be deemed
Civil Court for
certain
purposes
Act No. 5 of

11-E. Every Labour Court or Tribunal shall be deemed to be a Civil Court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898.

Powers of the
Labour Court
or Tribunal in
relation to
contempt

11-F.(1) If any person—

(a) when ordered by a Labour Court or Tribunal to produce or

deliver up any document, being legally bound, intentionally omits to do

(b) when required by a Labour Court or Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(c) being legally bound to state the truth on any subject to a Labour Court or Tribunal refuses to answer any question put to him touching such subject by such Labour Court or Tribunal, or

(d) refuses to sign any statement made by him when required to do so by a Labour Court or Tribunal, or

(e) intentionally offers any insult or causes any interruption to a Labour Court or Tribunal at any stage of its judicial proceedings,]

so, or

[1. Add bys. 10 of U.P. Act No. 1, 1957.](#)

[United Provinces Industrial Dispute Act, 1947]

he shall be deemed to be guilty of contempt of such Labour Court or Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence a Labour Court or Tribunal, or to bring such Labour Court or Tribunal, or the Presiding Officer thereof into disrepute or contempt or to lower its or his authority, or interfere with the lawful process of any such Labour Court or Tribunal, such person shall be deemed to be guilty of contempt of such Labour Court or Tribunal, as the case may be.

(3) The Labour Court or Tribunal shall have and exercise the same jurisdiction, power and authority in accordance with the

ame
 procedure and practice in respect of contempt of itself as the High Court has and exercises in respect of itself.]¹

Power under Industrial Disputes Act, 2 [12. Unless any order made under this Act makes express provision to the contrary, nothing in this Act shall affect the power of the 1947 to State Government to refer any industrial dispute or matters connected **continue** Act No. XIV therewith under the Industrial Disputes Act, 1947 or to deal with any of 1947 report or settlement in accordance with the provisions of that Act.

Removal of 12-A. For the removal of doubts it is hereby declared that **doubts** nothing in this Act shall be deemed to preclude the Central Government from constituting a National Tribunal under the Industrial Disputes Act, 1947 for the time being in force or any such Tribunal from exercising any powers conferred upon it under that Act.]

Arbitration Act, 1940 13. Nothing in the Arbitration Act, 1940, shall apply to any **not to apply** proceeding under any order made under this Act.

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Penalty

3 [14. Whoever contravenes any of the provisions of this Act or any rule or order made thereunder shall, if no other penalty is provided by or

under

the Act f

“Penalty for

4 [14-

A. Any person who commits a breach of any term of any **breach of** term of settlement or award, which is binding on him under this Act, shall be **award** punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and where the breach is a continuing one, with further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first; and the court trying the offence, if it fines the offender, may direct that

¹. Add bys. 10 of U.P. Act No. 1, 1957.

². Subs. bys. 11 of U.P. Act of 1957

³. Subs. bys. 12 *ibid.*

⁴. Ins. bys. 6 of U.P. Act 34 of 1978.

[United Provinces Industrial Dispute Act, 1947]

offender, may direct that the whole or any part of the fine realized from

him shall be paid by way of compensation, to any person who, in its opinion has been injured by such breach.]

14-B. (1) Any employer who closes down an undertaking in contravention of the provisions of section 3 or section 6-W shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) Any employer, who contravenes a direction given under section 6-X shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.]

Offence to be deemed cognizable **15.** Notwithstanding anything contained in the Second Schedule

to the Code of Criminal Procedure, 1898, any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing, or of being about to commit a contravention of any rule or order made under this Act.

Cognizance of offence **16.** (1) No court shall take cognizance of any offence punishable

under this Act except on a report in writing of the facts constituting such offence made by the District Magistrate or by a public servant other than a District Magistrate with the previous sanction in writing of the District Magistrate.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

Effect of provision **17.** Any rule or order made or deemed to be made under this Act

inconsistent shall have effect notwithstanding anything inconsistent therewith

with other enactments contained in any other enactment or in any instrument having effect by virtue of any other enactment.

Attempt and abetment **18.** Any person who attempts to contravene or abets a

contravention of any rule or order made or deemed to be made under this Act shall be deemed to have contravened that order.

Publication and affixation **19.** (1) Save, as otherwise expressly provided in an order made

and under this Act, every authority, officer or person who makes any order of defacement in writing in pursuance of this Act² [other than an award] shall, in the notice

case of an order of a general nature or affecting a class of persons, publish notice of such order in such manner as may in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns and in the case of an order affecting an individual, corporation or firm serve or cause the order to be served in the manner provided for the service of a summons in Order XXIX,

[2.Ins.bys.13ofU.P.Actlof1957.](#)

[UnitedProvincesIndustrialDisputeAct,1947]

ActNo.5, Rule2,orOrderXXX,Rule3oftheCodeofCivilProcedure,1908,as

thecasemaybe,andinthecaseofanorderaffectinganindividual
person(notbeingacorporationorfir)serveorcausetheordertobe
servedonthatperson—

(i)personallybydeliveringortenderingtohimtheorder;or

(ii)bypost;or

(iii)wherethepersoncannotbefound,byleavinganauthentic
copyoftheorderwithsomeadultmalememberofhisfamilyorby
affixingsuchcopytosomeconspicuouspartofthepremisesinwhichhe
isknowntohavelastresidedorcarriedonbusinessorpersonally

workedforgain.

(2)Ifinthecourseofanyjudicialproceedings,aquestionarises
whetherapersonwasdulyinformedofanordermadeinpursuanceof
thisAct,compliancewithsub-section(1)shallbeconclusiveproofthat
theshewasoinformed;butafailuretocomplywithsub-section(1)—

(i)shallnotprecludeproofbyothermeansthatshewasoin

informed;and

(ii)shallnotaffectthevalidityoftheorder.

(3) Any police officer and any other person
authorized by

the[StateGovernment]inthisbehalfmay,foranypurposeconnected
withthepurposesmentionedinsection3fortheadministrationofthis
Act,affixanynoticeto,orcauseanynoticetobedisplayedonany
premises,vehicleorvesselandmay,forthepurposeofexercisingthe
powerconferredbythisAct,enteranypremises,vehicle,orvesselatany

time.

(4)Anypersonauthorizedbythe [StateGovernment]inthis
behalfmay,foranypurposementionedinsub-section(3),byorder
directtheownerorotherpersoninpossessionorcontrolofany
premises,vehicleorvesseltodisplay,anynoticeon,orinthepremises
vehicleorvesselinsuchmannerasmaybespecifiedintheorder.

(5) If any person without lawful authority removes, alters,
defaces,obliteratesorinanywaytamperswithanynoticeaffixed,or
displayedinpursuanceofthisAct,orcontravenesanyorderundersub-
section(4),heshallbepunishablewithimprisonmentforatermwhich
mayextendtosixmonthsorwithfineorwithboth.

Offenceby a 20.Ifthepersoncontraveningaruleorordermadeordeemedto
corporation

bemadeunderthisActisacompanyorotherbodycorporate,every
director,manager,secretary,orotherofficeroragentthereofshall,

unless he proves that the contravention took place
without his

knowledgeorthatheexercisedallduediligencetopreventsuch
contravention,bedeemedtobegUILTYofsuchcontravention.

1..Subs.bytheA.O.1950for(Provl.Govt.).

[UnitedProvincesIndustrialDisputeAct,1947]

Saving 21.(1) The provisions of section 6 of the United Provinces General Clauses Act, 1904, shall apply upon the expiry or withdrawal of the United Provinces Industrial Disputes Ordinance, 1947, and the United Provinces Industrial Disputes (Second) Ordinance, 1947, as if they had then been repealed by a¹ [Uttar Pradesh] Act; and any order or appointment made or deemed to be made under the said Ordinances and in force immediately before the commencement of this Act shall continue in force and be deemed to be an order or appointment made under this Act.

(2) No order made in exercise of any power conferred by or under this Act or the said Ordinances shall be called in question in any court.

(3) When any order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act or the said Ordinances, a court shall, within the meaning of Indian Act of 1872 Evidence Act, 1872, presume that such order was so made by that authority.

Protection 22.(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made or deemed to be made thereunder.

(2) No suit or legal proceedings shall lie against the² [Government] for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made or deemed to be made thereunder.

Rule-making 23.(1) The³ [State Government] may make rules consistent with the power of this Act for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the manner of appointment of Presiding Officers of Labour Courts and Tribunals and the conditions of their employment;
- (b) the manner in which references shall be made to Labour Courts or Tribunals;
- (c) the manner of appointment of Conciliation Officers and the conditions of their employment;

1. Subs. by the A.O. 1950 for (United Provinces).

2. Subs. by the A.O. 1950 for (Crown).

3. Subs. by the A.O. 1950 for (Prov'l. Govt.).

[United Provinces Industrial Dispute Act, 1947]

(d) the procedure to be followed in conciliation proceedings;

(e) the manner of remission of award by the State Government to the adjudicating authority;

(f) the manner of registration of settlements;

(g) the manner and the form in which muster rolls of workmen

shall be maintained; and

(h) the matters which are to be and may be prescribed.

(3) All rules made under this section shall, as soon as possible after they are made, be laid before the State Legislature.]¹

²[THE FIRST SCHEDULE

(See SECTION 4-A)

(Matters within the jurisdiction of Labour Courts)

1. The propriety or legality of an order passed by an employer under the Standing Orders;
2. The application and interpretation of Standing Orders;
3. Discharge and dismissal of workman including reinstatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;
5. Illegality or otherwise of a strike or lock-out; and
6. All matters other than those specified in the Second Schedule.

THE SECOND SCHEDULE

(See SECTION 4-B)

(Matters within the jurisdiction of Industrial Tribunals)

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing

orders;

¹[Add. bys. 14 of U.P. Act of 1957.](#)

²[Schedules I, II and III add. bys. 15 of U.P. Act of 1957.](#)

[United Provinces Industrial Dispute Act, 1947]

7. Classification by grades;
8. Rules of discipline;
9. Rationalization;
10. Retrenchment of workmen and closure of establishment;

and

¹[10-A. Any matter relating to the closure of the undertaking of an industrial establishment.]

11. Any other matter that may be prescribed.

²[THE THIRD SCHEDULE]

(See SECTION 4-I)

(Conditions of service for change of which notice is to be given)

1. Wages, including the period and mode of payment;
2. Contribution paid, or payable, by the employer to any

provident fund or pension fund or for the benefit of the workmen under any law for the time being in force;

3. Compensatory and other allowances;
4. Hours of work and rest intervals;
5. Leave with wages and holidays;
6. Starting, alteration or discontinuance of shift working

otherwise than in accordance with standing orders;

7. Classification by grades;
8. Withdrawal of any customary concession or privilege or

change in usage;

9. Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders;

10. Rationalization, standardization or improvement of plant or technique which is likely to lead to retrenchment of workmen;

11. Any increase or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, not due to forced matters.

[1. Ins. bys. 5 of U.P. Act 26 of 1983.](#)

[2. Ins. bys. 15 of U.P. Act No. 1 of 1957.](#)