

Offices and Penalties.

113. Penalty for illegal strikes and stoppages.-

A worker, who commences, continues, takes part or otherwise acts in furtherance of a strike or stoppage, which has been declared illegal by the Adjudicator under this Act shall be punishable, on conviction, with imprisonment for a term which may extend to one month or with fine which may extend to Rs.50/- or both, and in the case of his continuing a strike or stoppage, as the case may be, after a lapse of 48 hours, after it is held or declared

to be illegal, with an additional fine of Re.1 per day for every day during which such strike or stoppage continues, after such conviction, subject to a maximum of Rs.100/--.

114. Penalty for illegal lockout or closure.

Any employer, who commences, continues or otherwise acts in furtherance of a lockout or a closure which has been declared illegal by the Adjudicator, under this Board shall be punishable, on conviction, with imprisonment for one month or with fine which may extend to Rs.1000/- or both, and in the case of his continuing a lockout or a closure, after lapse of 48 hours, after it is held or declared to be illegal, with an additional fine of Rs.50/- per day for every day during which such lockout continues, after such conviction, subject to a maximum of Rs.2000/--.

115. Penalty for instigating illegal strikes, stoppages and lockouts or closures.-

Any person who instigates or incites another person to take part in or otherwise acts in furtherance of a lockout or closure for which an employer is punishable under Section 116 of this Act or a strike or stoppage for which a worker is punishable under Section 115 of this Act shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine of Rs.2000/- or with both.

Provided that no person shall be punished under this section where the Adjudicator trying the offence is of the opinion that, in the circumstances of the case, a reasonable doubt existed at the time of commission of the

offence about the legality of the strike, lockout, or stoppage or closure, as the case may be.

Explanation:-

- i) For the purpose of this section, a person who contributes, collects or solicits funds for the purposes of any such strike, lockout, or stoppage or closure, shall be deemed to act in furtherance thereof; and
- (ii) A person shall be deemed to have committed an offence under this section, if he has instigated or incited others to take part in or otherwise act in furtherance of any strike, lockout, or stoppage or closure, which is illegal under this Act.

116. Penalty for breach of settlement or award.-

Any employer, who commits a breach of any term of an agreement, settlement or an award, which is binding on him under this Act shall, on conviction, be punishable with imprisonment for a term, which may extend to six months or with fine which may extend to Rs.1000/- or both and where the breach is a continuing one with a further fine which may extend to Rs.50/- for every day during which the breach continues, after conviction, subject to a maximum of Rs.2000/-.

117. Penalty for disclosing confidential information.-

Any person who wilfully discloses any information, which has come to his knowledge and which he has been asked to treat as confidential in the interest of business, trade or employment shall, on conviction, be punishable

with imprisonment for a term which may extend to six months or with fine which may extend to Rs.1000/- or both.

118. Penalty for wrongful withholding of information.-

If an employer or other person:-

(a) required to furnish any information or any return; and

(i) refuses or neglects to furnish such information or return, or

(ii) furnishes or causes to be furnished any information or return, which is false or which he either knows or believes to be false or does not believe to be true, or

(b) refuses or wilfully neglects to afford reasonable facilities for making inspection, examination or enquiry authorised by or under this Act shall, on conviction, be punishable with imprisonment, which may extend to six months or with a fine, which may extend to Rs.1000/- or both.

119. Penalty for offences not provided for .-

Whoever contravenes any of the provisions of this Act or the Rules or the schemes framed thereunder and, if no other penalty is elsewhere provided by or under this Act, for such contravention shall, on conviction, be punishable with ~~pr~~ imprisonment which may extend to six months or with fine which may extend to Rs.1000/- or both.

120. Complaints to the Labour Court.-

Complaint in respect of offences punishable under this Act shall be made directly to the concerned Adjudicator

by the aggrieved party or the Inspector or the Officer specified by the Board.

121. Powers of the Adjudicator.-

(1) The Adjudicator shall have the power to try offences under this Act.

(2) In respect of offences punishable under this Act the Adjudicator shall have all the powers under the Code of Criminal Procedure, 1898, of a Presidency Magistrate or a Magistrate of First Class and in the trial of every such offence shall follow the procedure laid down in Chapter XXII of the said Code, for a summary trial in which an appeal lies; and the rest of the provisions of the said Code shall so far as may be, apply to such trial.

(3) The Adjudicator may also direct payment of adequate compensation out of fine recovered to the aggrieved party.

122. Contempt of Adjudicator.-

(1) If any person, when ordered or required by the Adjudicator:-

- (a) to produce or deliver any document, or to furnish any information, being legally bound, intentionally omits to do so; or
- (b) to bind himself by an oath or affirmation to state the truth, refuses to do so; or
- (c) refuses to answer any question relating or incidental to the matter in dispute; or
- (d) refuses to sign any statement prepared by him; or
- (e) intentionally offers any insult or causes any interruption in the proceedings of Adjudication; or

(f) commits any act or publishes any writing which is calculated to improperly influence the Adjudicator hereinabove mentioned or brings such Adjudicator in dispute or contempt or to lower his prestige, or to interfere with the lawful process of such authority, such person shall be deemed to be guilty of contempt of such Adjudicator.

(2) In the case of such contempt, the Adjudicator shall record the facts constituting such contempt and make a report in that behalf to the High Court under whose jurisdiction the principal office of such Adjudicator is located.

(3) When an intimation or report in respect of any contempt is received by the High Court under sub-sections (2), the High Court shall deal with such contempt as if it were contempt of itself and shall have and exercise in respect of it the same jurisdiction, powers and authority in accordance with the same procedure and practice as it has, and exercise in respect of contempt of itself.