

THE BHARAT PETROLEUM CORPORATION LIMITED (DETERMINATION OF
CONDITIONS OF SERVICE OF EMPLOYEES) ACT, 1988

ACT NO. 44 OF 1988

[3rd September, 1988.]

An Act to empower the Central Government to determine the conditions of service of the officers and employees of Bharat Petroleum Corporation Limited and for matters connected therewith.

WHEREAS for the purpose of making the conditions of service of the officers and employees of the Bharat Petroleum Corporation Limited comparable with the conditions of service of the officers and employees of other public sector companies, it is necessary to empower the Central Government to determine the conditions of service of the officers and employees of the said Corporation;

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988.

(2) It shall be deemed to have come into force on the 2nd day of July, 1988.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Burmah Shell” means the Burmah Shell Oil Storage and Distributing Company of India Limited, a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956) as it existed immediately before the appointed day under the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976);

(b) “Burmah Shell Refineries” means the Burmah Shell Refineries Limited, a company registered under the Indian Companies Act, 1913 (7 of 1913), as it existed immediately before it became a Government company;

(c) “Corporation” means the Bharat Petroleum Corporation Limited, a Government company, as defined in section 617 of the Companies Act, 1956 (1 of 1956);

(d) “officers and employees of the Corporation” includes,—

(i) the officers and employees who were in the service of the Burmah Shell Refineries and who continued to be in the service of the said company after it became a Government company; and

(ii) the officers and employees who were in the service of Burmah Shell and whose services were transferred to the Corporation by section 9 of the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976);

(e) “public sector company” means any corporation established by or under any Central Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

3. Power of Central Government to frame schemes to determine conditions of service of officers and employees.—(1) Where the Central Government is satisfied that for the purpose of making the conditions of service of the officers and employees of the Corporation comparable with the conditions of service of the officers and employees of other public sector companies, it is necessary so to do, it may, notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law or any agreement, settlement, award or other instrument for the time being in force, and notwithstanding any judgment, decree or order of any court, tribunal or other authority, frame one or more schemes for the purpose of determination of the conditions of service of the officers and employees of the Corporation.

(2) While framing any scheme under sub-section (1), it shall be competent for the Central Government to provide for the continuance, after the commencement of any such scheme, of such of the emoluments or other benefits as were payable to, or entitled to be received by, the officers and employees

of the Corporation referred to in sub-clause (i) or sub-clause (ii) of clause (d) of section 2 immediately before the Burmah Shell Refineries became a Government company, or as the case may be, immediately before the appointed day under the Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976).

(3) The Central Government may make a scheme to amend or vary any scheme made under sub-section (1).

(4) The power to make any scheme under sub-section (1) or sub-section (3) shall include,—

(a) the power to give retrospective effect to any such scheme or any provision thereof; and

(b) the power to amend, by way of addition, variation or repeal, any existing provisions determining the conditions of service of the officers and employees of the Corporation in force immediately before the commencement of this Act.

(5) Every scheme made under sub-section (1) or sub-section (3) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme, or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

4. Repeal and saving.—(1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988 (6 of 1988), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.