

PUNJAB VIDHAN SABHA
BILL NO.20-PLA-2020
THE INDUSTRIAL DISPUTES (PUNJAB AMENDMENT)
BILL, 2020

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BILL

Further to amend the Industrial Disputes Act, 1947, in its application to the State of Punjab.

Be it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follow:-

1. (1) This Act may be called the Industrial Disputes (Punjab Amendment) Act, 2020. Short title and commencement

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act,) in its application to the State of Punjab, in section 2A, after sub-section (3), the following sub-section (4) shall be added, namely:- Amendment of section 2A of Central Act 14 of 1947.

“(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised in conciliation proceeding within a period of three years from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority, as may be specified by the State Government, may consider to extend the said period of three years when the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of three years.”.

Substitution of section 25K of Central Act 14 of 1947.

3. In the principal Act, for section 25K, the following section shall be substituted, namely:-

"25K. (1) The provisions of this Chapter shall apply to an industrial establishment (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) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the Official Gazette apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which less than three hundred workmen but not less than one hundred workmen, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

(3) 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 appropriate Government thereon shall be final."

Amendment of section 25N of Central Act 14 of 1947.

4. In the principal Act, in section-25 N,-

"(i) in sub-section (1), in clause (a), the signs and words," or the workmen has been paid in lieu of such notice, wages for the period of the notice" shall be omitted; and

(ii) in sub-section (9), after the words "six months", the following words shall be added, namely:-

"and an amount equivalent to his three months average pay".

Amendment of section 25-O of Central Act 14 of 1947.

5. In the principal Act, in section 25-O, in sub-section (8), after the words "six months" the following words shall be amended, namely:-

"and an amount equivalent to his three months average pay."

Amendment of Fifth Schedule of Central Act 14 of 1947.

6. In the principal Act, in Fifth Schedule, in part II, after paragraph 5, the following Explanation shall be added, namely:-

"Explanation.- For the purpose of this paragraph, 'go slow' means any

such activity by any number of persons, employed in any industry, acting in combination or with common understanding, to slow down or to delay the process of production or work purposely whether called by work to rule or by any other name, so as the fixed or average or normal level of production or work or output of workman or workmen of the establishment is not achieved:

Provided that all necessary ingredients or inputs for standard quality production or work are made available in time and in sufficient quantity”.

7. (1) The Industrial Disputes (Punjab Amendment) Ordinance, 2020, published in the Punjab Government Gazette (Extraordinary) dated the 11th August, 2020, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this act.

STATEMENT OF OBJECTS AND REASONS

To promote the industries in Punjab there is a need to amend Section 2A, 25K, 25N, 25O and Fifth Schedule of Industrial Disputes Act, 1947. Some other States have already carried out these amendments, therefore to provide level playing field to industries of Punjab we should amend sections Section 2A, 25K, 25N, 25O and Fifth Schedule of Industrial Disputes Act, 1947. The above amendments in Industrial Dispute Act, 1947 will increase the threshold limit for applicability of Chapter-VB of the Act from the present limit of 100 workers to 300 workers. Apart from this workers will be eligible for 3 months extra wages on retrenchment or closure of establishments.

Hence, the The Industrial Disputes (Punjab Amendment) Bill, 2020.

BALBIR SINGH SIDHU
Labour Minister, Punjab

CHANDIGARH
THE 27th AUGUST, 2020

SHASHI LAKHANPAL MISHRA
SECRETARY.

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 27th August, 2020 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).