

TO BE INTRODUCED IN THE RAJYA SABHA

**Bill No. XII of 2002**

**INDUSTRIAL DISPUTES (AMENDMENT) BILL, 2002**

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**BILL**

*further to amend the Industrial Disputes Act, 1947.*

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

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 2002.

Short title, and  
commence-  
ment.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1947. 2. In Section 2 of the Industrial Disputes Act, 1947:—

Amendment of  
Section 2.

(1) For clause (a) the following clause shall be *substituted*, namely:—

10 '(a) "appropriate Government" means, the Government of the State or Union Territory, as the case may be, in relation to all the industrial disputes concerning any industry or its unit in whose territorial jurisdiction that industry or its unit is situated;'

(2) in sub-clause (iv) of clause (s), the words "draws wages exceeding one thousand six hundred rupees per mensem or" shall be *omitted*.

## STATEMENT OF OBJECTS AND REASONS

It has been provided in the Industrial Disputes Act, 1947 that in case of Industries concerning the Central Government, the appropriate Government shall be the Central Government and in case of all other industries, the Government of the State shall be the appropriate Government. Especially after the judgement in Airport Authority Case, Bombay, the Labour department has issued a Circular that the Administrative Department should be treated as appropriate Government unless until the Act is amended. The Central Government is to be considered as appropriate Government for the purpose of all the industrial disputes. It is totally impracticable. The Central Government does not have the infrastructure to solve all the matters. It results in unnecessary delay in resolving the industrial disputes of the workmen. Justice delayed means justice denied. The State Government have all the infrastructure such as Labour Commissioners etc. in their respective territories. Hence it will be in the fitness of things if the State Governments may be treated as appropriate Government in the case of all the industrial disputes.

Similarly, sub-clause (iv) of clause (s) of section 2 of the Act provides that the persons getting wages exceeding one thousand six hundred rupees per mensem do not come in the periphery of the Act. In today's world of high prices and salaries, imposing a ceiling on the wages for denying the benefits of the Act in resolving the disputes with their employer is totally unjust. All the workers should be entitled to get the benefit of Industrial Disputes Act irrespective of their wages.

The Bill proposing amendment in the section 2 of the Act seeks to achieve the aforesaid objectives.

RAMA CHANDRA KHUNTIA

## EXTRACTS FROM THE INDUSTRIAL DISPUTES ACT, 1947

(ACT No. 14 OF 1947)<sup>1</sup>

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

(a) "appropriate Government" means—

(i) in relation to any industrial dispute concerning<sup>4\*\*\*</sup> any industry carried on by or under the authority of the Central Government,<sup>5\*\*\*</sup> or by a railway company<sup>6</sup>[or concerning any such controlled industry as may be specified in this behalf by the Central Government]<sup>7\*\*\*</sup> or in relation to an industrial dispute concerning<sup>8</sup>[<sup>9</sup>[<sup>10</sup>[<sup>11</sup>[a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or <sup>1</sup>[the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)] or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), <sup>2</sup>[\*\*\*] or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or <sup>1</sup>[the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956)] or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3, or a Board of Management established for two or more continuous States under section 16, of the Food Corporations Act, 1964 (37 of 1964), or <sup>1</sup>[the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], <sup>3</sup>[the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or <sup>4</sup>[<sup>1</sup>[an air transport service, or a banking or an insurance company], a mine, an oil-field,] <sup>5</sup>[Cantonment Board,] or a major port, the Central Government, and]]

(ii) in relation to any other industrial dispute, the State Government;

<sup>4</sup>[(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

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

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

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six 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.].

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RAJYA SABHA

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*(Shri Ramachandra Khuntia, M.P.)*