

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD MAY, 2010

Bill No. XXV of 2009

THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 2009

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BILL

further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 2009.

(2) It shall come into force at once.

2. In the Industrial Disputes Act, 1947, in section 2A, after the words "party to the
5 dispute" the words "and such workman may directly approach the Labour Court or Industrial
Tribunal, as the case may be, for adjudication of the dispute, without approaching the
appropriate Government for a reference under Section 10 of the Act" shall be inserted.

Short title
and com-
mencement.

Amendment
of section 2A
of Act 14 of
1947.

STATEMENT OF OBJECTS AND REASONS

Disputes arising out of discharge, dismissal and retrenchment or termination of service are treated as industrial disputes and can be raised for their reference for adjudication by the appropriate Government in view of the provision of section 2A of the Industrial Disputes Act, 1947. As the reference by the appropriate Government may cause delay in adjudication of the Industrial Dispute, the Supreme Court in *Rajasthan SRT Corporation V/s Krishna Kant AIR 1995-SC-1715* has recommended to incorporate a provision enabling a workman to approach the Labour Court, Industrial Tribunal directly, *i.e.*, without the requirement of a reference by the Government in case of the Industrial Dispute covered by Section 2A of the Industrial Disputes Act, 1947. As such, it is expedient to amend the Industrial Disputes Act, 1947.

Hence this Bill.

KUMAR DEEPAK DAS

ANNEXURE

EXTRACT FROM THE INDUSTRIAL DISPUTES ACT 1947

(14 OF 1947)

“2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute,—

Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any 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 notwithstanding that no other workman nor an union of workmen is a party to the dispute.”

RAJYA SABHA

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further to amend the Industrial Disputes Act, 1947.

(Shri Kumar Deepak Das, M.P.)