



Bill Summary

Industrial Disputes (Amendment) Bill, 2009

The Industrial Disputes (Amendment) Bill, 2009, was introduced in the Rajya Sabha on February 26, 2009 by the Minister of Labour and Employment Shri Oscar Fernandes. The Bill was passed by the Lok Sabha on August 10, 2010 and the Rajya Sabha on August 3, 2010.

- The Bill amends the Industrial Disputes Act, 1947. The Act provides for settlement of disputes between workers and management.
- Persons who are employed in a supervisory capacity and draw more than Rs 1,600 per month are excluded from the purview of the Act. The Bill raises this ceiling to Rs 10,000 per month.
- Depending on the type of institution involved in an industrial dispute, either the central or the state government is given powers to administer various provisions of the Act. The Bill expands the list of institutions for which disputes will be administered by the central government to include: (a) companies where 51% or more of shares are held by the central government, (b) central public sector undertakings or their subsidiaries (c) corporations set up under a law made by Parliament and (d) autonomous bodies owned or controlled by the central government.
- The Bill specifies that state governments shall administer disputes in state public sector undertakings or their subsidiaries. State governments shall also administer disputes in autonomous bodies owned or controlled by them.
- Under the Act, a worker whose services were terminated can complain to the government, which may refer the case to a court or tribunal. The Bill allows a workman to directly

approach the court or tribunal three months after filing such a complaint. An application to the court or tribunal must be made within three years of termination of service.

- The Bill requires all industrial establishments with more than 20 workmen, to set up one or more grievance redressal committees to resolve grievances of individual workmen.
- The committee shall consist of up to six members with equal representation from the employer and the workmen, with adequate representation for women. The chairperson shall be appointed alternately by the employer or from amongst the workmen every year.
- The committee must reach a decision on any complaint within 45 days. Workmen can appeal against the decision to the employer, who has a month to respond.
- The existence of such a committee does not affect the rights available to workmen under other provisions of the Act.
- The Bill broadens the scope of qualifications required for presiding officers of courts or tribunals established under the Act. Such officers can now include those who (a) have been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner, with a degree in law, and at least seven years experience in the Labour Department, including three years as a conciliation officer, or (b) have been an officer of the Indian Legal Service with three years experience in Grade III.
- All awards or settlements made by labour courts or tribunals shall be executed by the relevant civil court according to the Code of Civil Procedure.

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