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ARUNACHAL PRADESH  
LEGISLATIVE ASSEMBLY SECRETARIAT  
ITANAGAR

## NOTIFICATION

The 27th August, 2020

No. LA/Bill-11/2020.—The following Bill introduced in the Arunachal Pradesh Legislative Assembly on the 27th August, 2020 is published under Rules 73 of the Rules of Procedure and Conduct of Business in Arunachal Pradesh Legislative Assembly for general information.

**BILL NO. 11 OF 2020**

(As introduced in the legislative Assembly on 27th August, 2020)

## THE INDUSTRIAL DISPUTES (ARUNACHAL PRADESH AMENDMENT) BILL, 2020

**A**

**BILL**

further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as in force in the State of Arunachal Pradesh.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventy-first Year of the Republic of India, as follows :-

- Short title and commencement :** (1) This Act may be called the Industrial Disputes (Arunachal Pradesh Amendment) Act, 2020.  
(2) It shall be deemed to have come into force with effect from 14th July, 2020
- Amendment of Section 2A :** In section 2A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), as in force in the State of Arunachal Pradesh (hereinafter referred to as the "principal Act") :-
  - In sub-section (3), for the words "three years", the words "one year" shall be substituted;
  - After sub-section (3), the following sub-section shall be inserted, namely :-

"(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 before conciliation officer within a period of one year from the date of such discharge, dismissal, retrenchment or termination:

Provided that an authority as may be specified by the State Government may condone the delay beyond such period of one year if the applicant workman satisfies the Authority that he had sufficient cause for not raising the dispute within the period of the one year".
- Amendment of section 25F :** In section 25F of the principal Act, in sub-clause (b), for the expression "fifteen days", the expression "forty five days" shall be substituted.
- Substitution of section 25K :** For section 25K of the principal Act, the following section shall be substituted, namely :-

"25K. Application of Chapter V-B : (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 such number of workmen which may be less than three hundred but not less than one hundred, 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 State Government thereon shall be final”.
5. **Amendment of section 25N :** In section 25N of the principal Act, in sub-section (9), for the expression “fifteen days”, the expression “forty five days” shall be substituted.
6. **Amendment of section 25O :** In section 25O of the principal Act, in sub-section (8), for the expression “fifteen days”, the expression “forty five days” shall be substituted.
7. **Insertion of section 31A :** After section 31 of the principal Act, the following section shall be inserted, namely:-
- “31A. Compounding of offences : (1) Any offence punishable under sections 25Q, 25R, 25-U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer of authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below.

TABLE

| Sl. No. | Section   | Composition amount                                                                                                                                                                                                         |                      |                        |                   |
|---------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------|-------------------|
| (1)     | (2)       | (3)                                                                                                                                                                                                                        |                      |                        |                   |
| 1.      | 25Q       | 25 days wages last drawn by each workman.                                                                                                                                                                                  |                      |                        |                   |
| 2.      | 25R       | 60 days wages last drawn by each workman.                                                                                                                                                                                  |                      |                        |                   |
| 3.      | 25U       | (i) By each workman ₹150/- per day but not exceeding ₹ 3000/- in aggregate;<br>(ii) By employer ₹ 300 per day but not exceeding the amount in aggregate as shown below :                                                   |                      |                        |                   |
|         |           | Number of workmen employed in the industry                                                                                                                                                                                 | Amount not exceeding |                        |                   |
|         |           | 1 to 50                                                                                                                                                                                                                    | ₹ 7,000              |                        |                   |
|         |           | 51 to 100                                                                                                                                                                                                                  | ₹ 10,000             |                        |                   |
|         |           | 101 to 500                                                                                                                                                                                                                 | ₹ 15,000             |                        |                   |
|         |           | More than 500                                                                                                                                                                                                              | ₹ 20,000             |                        |                   |
| 4.      | 26        | (i) In case of illegal strike, ₹ 150 per by each workman but not exceeding ₹ 3000 in aggregate;<br>(ii) In case of illegal lock-out ₹ 300 per day by an employer but not exceeding the amount in aggregate as shown below: |                      |                        |                   |
|         |           | Number of workmen employed in the industry                                                                                                                                                                                 | Amount not exceeding |                        |                   |
|         |           | 1 to 50                                                                                                                                                                                                                    | ₹ 7,000              |                        |                   |
|         |           | 51 to 100                                                                                                                                                                                                                  | ₹ 10,000             |                        |                   |
|         |           | 101 to 500                                                                                                                                                                                                                 | ₹ 15,000             |                        |                   |
|         |           | More than 500                                                                                                                                                                                                              | ₹ 20,000             |                        |                   |
| 5.      | 27 and 28 | As per section 26 above for illegal strike and lockout                                                                                                                                                                     |                      |                        |                   |
| 6.      | 29        | ₹ 200 per day in respect of each of the workman                                                                                                                                                                            |                      |                        |                   |
| 7.      | 30A       | 25 days wages last drawn by each workman                                                                                                                                                                                   |                      |                        |                   |
| 8.      | 31(1)     | Number of workmen employed in the industry                                                                                                                                                                                 | For first offence    | For the second offence | For third offence |
|         |           | 1 to 50                                                                                                                                                                                                                    | ₹ 10,000             | ₹ 15,000               | ₹ 20,000          |
|         |           | 51 to 100                                                                                                                                                                                                                  | ₹ 15,000             | ₹ 20,000               | ₹ 25,000          |
|         |           | 101 to 500                                                                                                                                                                                                                 | ₹ 20,000             | ₹ 25,000               | ₹ 30,000          |
|         |           | More than 500                                                                                                                                                                                                              | ₹ 30,000             | ₹ 35,000               | ₹ 40,000          |
| 9.      | 32 (2)    | (i) For each workman, for the first offence ₹ 1000, for the second offence ₹ 2000 and for the third offence ₹ 3000<br>(ii) For Employer.                                                                                   |                      |                        |                   |
|         |           | 1 to 50                                                                                                                                                                                                                    | ₹ 1500               | ₹ 3000                 | ₹ 6000            |
|         |           | 51 to 100                                                                                                                                                                                                                  | ₹ 3000               | ₹ 6000                 | ₹ 10000           |
|         |           | 101 to 500                                                                                                                                                                                                                 | ₹ 4000               | ₹ 8000                 | ₹ 15000           |
|         |           | More than 500                                                                                                                                                                                                              | ₹ 5000               | ₹ 10000                | ₹ 20000           |

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) where an offence has been compounded under sub-section (1), no further proceedings shall be taken the offender in respect of such offence and the offender, if in custody, shall be discharged”.

8. Insertion of section 36C :- After section 36B of the principal Act, the following section shall be inserted, namely:-

“36C. Power to exempt new industries:- Where the State Government is satisfied in relation to any new industrial establishment of new undertaking or class of new public interest to do so, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from date of establishment of such new industrial establishment or new undertaking or class of new establishment or new undertakings, as the case may be”.

**Explanation:-** For the purpose of this section, the expression “ new industrial establishment or new undertaking or class new industrial establishments or new undertakings” means such industrial establishment or undertaking or class of industrial establishment or undertakings which are established within a period of **one thousand days** after the commencement of The Industrial Disputes (Arunachal Pradesh Amendment) Ordinance, 2020.

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