

TRIPURA GAZETTE

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**PART--III-A-- Ordinances promulgated by the Governor of
Tripura under the Constitution of India.**

**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8(19)-Law/Leg-I/2020

Dated, Agartala, the 11th August, 2020.

NOTIFICATION

The following Ordinance is promulgated by the Hon'ble Governor of Tripura on the 5th of August, 2020 with instructions from the Hon'ble President of India vide order No.F.14/30/2020-Judl. & PP dated 22nd July, 2020, of the Ministry of Home Affairs (J&PP Section) and is hereby published for General Information.


(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

Tripura Gazette, Extraordinary Issue, August 21, 2020 A. D.

(The Tripura Ordinance No. 5 of 2020)

The Industrial Disputes (The Tripura Second Amendment) Ordinance, 2020

(Promulgated by the Governor of Tripura, with the instruction from the Hon'ble President, in the sixty first year of the Republic of India)

**An
Ordinance**

to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Tripura.

WHEREAS, the Industrial Disputes Act, 1947 (hereinafter referred to as the Principal Act) was enacted by the Central Government and it was came into force to the whole of India on the 1st day of April, 1947;

AND WHEREAS, in the perspective of this state it is now felt expedient to make state amendments in that Central Act to facilitate infrastructural growth and development in the state;

AND WHEREAS, the Tripura Legislative Assembly is not in session and the Governor of Tripura is satisfied that the circumstances exist which render it necessary for him to take immediate action;

NOW THEREFORE, in exercise of the powers conferred under clause (1) of Article 213 of the Constitution of India, the Governor of Tripura is hereby pleased to promulgate the following Ordinance, with the instruction from the Hon'ble President of India, required under clause (b) of the Proviso to the aforesaid Article:-

1. Short title and commencement :

- (1) This may be called the "The Tripura Industrial Disputes (Second Amendment) Ordinance, 2020";
- (2) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Section 2A.-

In Section 2A of the 'Principal Act',-

- (i) in sub-section (3), the expression "three years", shall be substituted with the expression "one year".

(ii) aftersub-section (3), the following new sub-section shall be inserted, namely :-

“(4) Notwithstanding anything contained in sub-section(1),(2) and (3), no such dispute or difference between that workmen 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 one year.”

3.Insertion of new Section 31A:-

After Section 31, a new Section 31A shall be inserted, as follows :-

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 or 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:

Sl.No.	Section	Compounding amount	
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 Rs.150/- per day but not exceeding Rs.3000/- in aggregate.	
		(ii) By employer Rs.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	Rs.7,000/-
		51 to 100	Rs.10,000/-

		101 to 500	Rs.15,000/-	
		More than 500	Rs.20,000/-	
4	26	(i)	In case of illegal strike, Rs.150/- per day by each workman but not exceeding Rs.300/- in aggregate.	
		(ii)	(ii) In case of illegal lock-out Rs300/- 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	Rs.7,000/-
			51 to 100	Rs.10,000/-
			101 to 500	Rs.15,000/-
		More than 500	Rs.20,000/-	
5	27 and 28	As per Section 26 above for illegal strike and lockout.		
6	29	Rs.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	Rs.10,000/-	Rs.15,000/-	Rs.20,000/-	
		51 to 100	Rs.15,000/-	Rs.20,000/-	Rs.25,000/-	
		101 to 500	Rs.20,000/-	Rs.25,000/-	Rs.30,000/-	
		More than 500	Rs.30,000/-	Rs.35,000/-	Rs.40,000/-	
9	32 (2)	(i)	For each workman, for the first offence Rs.1000/- for the second offence Rs.2000/- and for the third offence Rs.3000/-			
		(ii)	For employer:-			
			Number of workmen employed in the Industry	For first offence	For the second offence	For third offence
			1 to 50	Rs.1500/-	Rs.3000/-	Rs.6,000/-
			51 to 100	Rs.3000/-	Rs.6000/-	Rs.10,000/-
			101 to 500	Rs.4000/-	Rs.8000/-	Rs.15,000/-
		More than 500	Rs.5000/-	Rs.10,000/-	Rs.20,000/-	
<p>Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in the above Table.</p> <p>Provided further that the offence committed of the same nature shall be compoundable only for the first three offences.</p> <p>Provided also that such offences shall be compoundable only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.</p> <p>(2) Where an offence has been compounded under Sub-Section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”</p>						

4. Insertion of Section 36C:

After Section 36B of the Principal Act, a new Section 36C shall be inserted as follows-

“36C: State Government’s power to exempt: where the State Government is satisfied, in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that, it is necessary in the 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 the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or class of new undertakings, as the case may be”.



(RAMESH BAIS)
Governor, Tripura.
(Ramesh Bais)
Governor of Tripura.