

Notice Number: 14/18/76

Date: 27/02/2024

Time: 09:54 PM

Notice of Amendments of Bills

Subject :- Notice for withdrawal of Bill no.2: The Industrial Disputes (Amendment and Miscellaneous Provisions) (Haryana Amendment)Repeal Bill ,2024 for reconsideration, on account of patent errors of fact and substance in the Bill.

Minister:- Sh. Manohar Lal

Date of Answer:- 28/02/2024

Priority, if any:-

From:

Smt. KIRAN CHOUDHRY(58) , Member

To:

Secretary

HARYANA VIDHAN SABHA

Haryana

Sir,

Will The Chief Minister be pleased to state :

The Bill mentioned in the subject matter above has been introduced in the present session of the Assembly by Sh Anoop Dhanak, Minister of State Labour Haryana and the same is likely to be listed for discussion on 27.02.2024 or 28.02.2024. In my humble opinion, the Bill is not in order and suffers from inherent, palpable and patent errors of fact and substance, which are stated hereunder :-

1. In the statement of objects and reasons , Minister of State, Labour, Haryana has not ascribed any reasons for bringing this amendment Bill , proposing to repeal The Industrial Disputes (Amendment and Miscellaneous Provisions)(Haryana Amendment)Act , 1957 .
2. The Industrial Disputes (Amendment and Miscellaneous Provisions)(Haryana Amendment) Act , 1957 is a misnomer as the State of Haryana came into existence in 1966 only. While section 2 of the proposed Bill talks of repealing The Industrial Disputes (Amendment and Miscellaneous Provisions)(Haryana Amendment)Act 1957 , in the margins, Repeal of Punjab Act 9 of 1957 has been mentioned. On a further scrutiny it is revealed that The Industrial Disputes (Amendment and Miscellaneous Provisions)(Punjab Amendment)Act 1957 is Act No 8 of 1957. Even after exercise of due diligence I couldn't access any copy of Punjab Act 9 of 1957. To the best of my knowledge it should have been Punjab Act 8 of 1957. The copy of Repeal of Punjab Act 1957 should have been supplied by the Ministry concerned alongwith the copy of the Bill. So there has been a procedural flaw in the presentation of this Bill before the August House. This is an anomalous and incongruent situation and the Hon'ble Member in charge of Bill should withdraw the Bill. The title of Bill and section 2 of the Bill are erroneous on account of patent error of fact.
3. If the intent is to repeal the Punjab Act 8 of 1957 , the proposed amendment is retrograde and is being brought to whittle down the norms and standards for appointment of Presiding Officer of Labour Courts under section 7 and 7C of the Industrial Disputes Act ,1947 . Vide state amendments made through the Punjab Act 8 of 1957 in section 7 and 7C of The Industrial Disputes Act, 1947 , it has been laid down that only a person who has been a District Judge or has held office of the Chairman or any othermember of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act 1950, or of any Tribunal, for the period of not less than two years would be eligible for such appointments. There is no earthly reason to dilute the rigor in such appointments . If the intent is to open the doors for non- deserving persons, it will pave the way for 'spoils system 'in such appointments in Haryana .
4. So , the Bill no. 2 suffers from patent errors of fact and substance and is not likely to sustain in its present form on the floor of the assembly. In order to save embarrassment, you may kindly ask the Minister in charge of the Bill to withdraw the same.

Your Faithfully

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