

COMPARISON

BETWEEN

EARLIER LAW & INDUSTRIAL RELATIONS CODE, 2020

Industrial Relations (IR) Code 2020 consists of 14 Chapters with 104 sections which were in 88 sections subsume three separate legislations namely –

- (i) *The Trade Union Act, 1926*
- (ii) *Industrial Employment (Standing Orders) Act, 1946*
- (iii) *Industrial Disputes Act, 1947*

SUBJECT MATTER	INDUSTRIAL RELATIONS CODE	EARLIER LAW
INDUSTRY	Exclusions from the definition of 'industry' – Excluded Any capital has been invested for the purpose of carrying on such activity; or such activity is carried on with a motive to make any gain or profit, but does not include—(i) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service; or (ii) any activity of the appropriate Government relating to the sovereign functions of the appropriate Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space; or (iii) any domestic service; or (iv) any other activity as may be notified by the Central Government.	Did not exclude except domestic service that too by judicial interpretations
FIXED TERM EMPLOYMENT	Fixed term employment will be eligible to all statutory benefits including gratuity which will be available to him even for serving for one year.	Did not exist
RETRENCHMENT	Besides other exclusions, the revised definition also excludes termination of service of a worker as a result of completion of tenure of fixed term employment will be eligible to all statutory benefit including gratuity for serving for one year.	Did not exist
EMPLOYEE	Introduced in the Industrial Relations Code, 2020. Covers any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward.	Never existed except 'workman' which has not been incorporated in the Code

SUBJECT MATTER	INDUSTRIAL RELATIONS CODE	EARLIER LAW
EMPLOYER	Employing employees directly or through any person i.e. Occupier of a factory and any person having ultimate control over the affairs of establishment.	Trade Union Act did not define. Industrial Employment (SO) Act and Industrial Disputes Act defined but did not include occupier of a factory
WORKER	Includes working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976. As well as all persons employed in trade or industry and includes the worker as defined in clause (m) of section 2 of the Unorganised Workers' Social Security Act, 2008.	Only workman was defined under Industrial Disputes Act whereas in other relevant Acts reference was made to an 'employee'
REGISTRATION OF TRADE UNIONS	Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Code with respect to registration. No Trade Union of workers shall be registered unless at least ten per cent. of the workers or one hundred workers, whichever is less, engaged or employed in the industrial establishment or industry with which it is connected are the members of such Trade Union on the date of making of application for registration.	Only seven or more members could apply for registration
NEGOTIATING UNION OR NEGOTIATING COUNCIL	It has plugged loophole : exploiting the multiplicity of unions in an establishment/ organization by introducing concept negotiating union or negotiating council.	Did not exist
TRADE UNION FORUM FOR APPEAL	Appeal against non-registration or cancellation of registration lies only before Tribunal	It lies before High Court also
APPROPRIATE GOVERNMENT	In addition to similar that of Industrial Disputes Act, 1947 etc. it has clarified that in case of any dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government.	No such provision existed

SUBJECT MATTER	INDUSTRIAL RELATIONS CODE	EARLIER LAW
INDUSTRIAL ESTABLISHMENT Its segregation	Allows exclusion of severable from the other unit or units of such establishment or undertaking which is not carrying on or aiding the carrying on of any such activity, such unit shall be deemed to be a separate industrial establishment or undertaking.	Did not exist.
METRO RAILWAY	Incorporated in the Code	Did not exist
UNORGANISED SECTOR	Incorporated in the Code	Did not exist
OFFICE BEARER FOR UNORGANISED SECTOR	Not more than one-third of the total number of the office-bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected	Did not exist
CONCILIATION OF AN INDUSTRIAL DISPUTE	Conciliation shall not holding any proceedings relating to beyond two year	No such limitation
ADJUDICATION OF DISPUTE OF TRADE UNION	It will be by Tribunal and not Civil Court	Only Civil Court had the jurisdiction to decide the dispute
NOTICE OF CHANGE	21 days notice to be given when any change required in Third Schedule. An exemption by appropriate government may, by notification, direct that the provisions of the said section shall not apply or shall apply, subject to such conditions as may be specified in the notification, to that class of industrial establishments or to that class of workers employed in any industrial establishment.	Did not exist
INDUSTRIAL TRIBUNAL	Would consist of two members to be appointed by the appropriate Government out of whom one shall be a Judicial Member and the other, an Administrative Member.	Only single member was consisted in the Industrial Tribunal
LIMITATION FOR RECOVERY OF MONEY DUE FROM EMPLOYER	For one year	No limitation existed section 33C(2) of the Industrial Disputes Act

SUBJECT MATTER	INDUSTRIAL RELATIONS CODE	EARLIER LAW
RETRENCHED WORKER	Re-employment of – within a period of one year only	No such period was prescribed
FLASH STRIKE	Completely prohibited	No such prohibition
PROHIBITION OF STRIKE IN LOCKOUT	Strikers required to give a notice at least 14 days in advance to the employers if they wanted to go on strike. Such notice valid upto 60 days. Strike prohibited during pendency of proceedings before tribunals or arbitrator.	Only in public utility services 14 days notice was to be given
REPRESENTATION OF WOMEN	Adequate in proportion of total women workers	As far as possible
TIME LIMIT FOR APPLICATION	One year	No limitation
WORKERS RESKILLING FUND	Consisted of the contributions of the employer of an industrial establishment an amount equal to fifteen days wages last drawn by the worker immediately before the retrenchment, or such other number of days as may be notified by the Central Government, for every retrenched worker in case of retrenchment only.	Did not exist
POWER TO EXEMPT	Appropriate government could exempt contained in sub-section (1), where the appropriate 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 so to do, it may, by notification, 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 Code for such period from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be, as may be specified in the notification.	Did not exist except partially under Industrial Employment (Standing Orders) Act, 1946
GRIEVANCE COMMITTEE	Increased the role of the grievance committee also providing the decision of the Grievance Redressal Committees on any application filed under sub-section (5) shall be made on	Some provision existed but were not exhaustive

SUBJECT MATTER	INDUSTRIAL RELATIONS CODE	EARLIER LAW
	the basis of majority view of the Committee, provided more than half of the members representing the workers have agreed to such decision, otherwise it shall be deemed that no decision could be arrived at by the Committee. Maximum number of limit is increased to 10.	
STANDING ORDERS	Applies in an industrial establishment wherein three hundred or more than three hundred workers, are employed, or were employed on any day of the preceding twelve months. However, the provisions of Chapter IV shall not apply to an industrial establishment in so far as the workers employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government, apply.	100 or more. In most of States it has been fifty or even lesser workers
STRIKE	Includes casual leave on a given day fifty per cent or more workers employed in an industry	Did not exist
WAGES	Excludes various allowance like conveyance allowance and house rent allowance	Excluded house rent allowance, conveyance allowance
PRIOR PERMISSION FOR LAY OFF, RETRENCHMENT AND CLOSURE IN INDUSTRIAL ESTABLISHMENT	Applies to an establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workers.	Applied for industrial establishment where 100 or more workers are employed
COMPOSITION OF OFFENCES	Could be resolved for a sum for a sum of fifty per cent. of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine.	Did not exist