

## **Industrial Disputes (Amendment) Act, 2010**

**24 of 2010**

**[18 August 2010]**

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## **Industrial Disputes (Amendment) Act, 2010**

**24 of 2010**

**[18 August 2010]**

An Act further to amend the Industrial Disputes Act, 1947. Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:--

### **1. Short Title And Commencement :-**

(1) This Act may be called the Industrial Disputes (Amendment) Act, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### **2. Amendment Of Section 2 :-**

In the Industrial Disputes Act, 1947(14 of 1947) (hereinafter referred to as the principal Act), in section 2,--

(i) in clause (a),--

(a) in sub-clause (i), for the words " major port, the Central Government, and", the words "major port, any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or any corporation, not being a

corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and" shall be substituted;

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely:--

"(ii) in relation to any other industrial dispute, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government:

Provided that in case of a 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, as the case may be, which has control over such industrial establishment.";

(ii) in clause (s), in sub-clause (iv), for the words "one thousand six hundred rupees", the words "ten thousand rupees" shall be substituted.

### **3. Amendment Of Section 2A :-**

Section 2A of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:--

"(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise

termination of service as specified in sub-section (1).".

#### **4. Amendment Of Section 7 :-**

In section 7 of the principal Act, in sub-section (3), after clause (e), the following clauses shall be inserted, namely:--

"(f) he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years experience in the labour department including three years of experience as Conciliation Officer:

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or

(g) he is an officer of Indian Legal Service in Grade III with three years experience in the grade.".

#### **5. Amendment Of Section 7A :-**

In section 7A of the principal Act, in sub-section (3), after clause (aa), the following clauses shall be inserted, namely:--

"(b) he is or has been a Deputy Chief Labour Commissioner (Central) or Joint Commissioner of the State Labour Department, having a degree in law and at least seven years experience in the labour department including three years of experience as Conciliation Officer:

Provided that no such Deputy Chief Labour Commissioner or Joint Labour Commissioner shall be appointed unless he resigns from the service of the Central Government or State Government, as the case may be, before being appointed as the presiding officer; or

(c) he is an officer of Indian Legal Service in Grade III with three years experience in the grade.".

#### **6. Substitution Of New Chapter For Chapter Iib :-**

After section 9B of the principal Act, for Chapter IIB, the following Chapter shall be substituted, namely:--

"CHAPTER IIB

Grievance Redressal Machinery

9C. Setting up of Grievance Redressal Machinery.--

(1) Every industrial establishment employing twenty or more workmen shall have one or more Grievance Redressal Committee

for the resolution of disputes arising out of individual grievances.

(2) The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen.

(3) The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.

(4) The total number of members of the Grievance Redressal Committee shall not exceed more than six:

Provided that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.

(5) Notwithstanding anything contained in this section, the setting up of Grievance Redressal Committee shall not affect the right of the workman to raise industrial dispute on the same matter under the provisions of this Act.

(6) The Grievance Redressal Committee may complete its proceedings within thirty days on receipt of a written application by or on behalf of the aggrieved party.

(7) The workman who is aggrieved of the decision of the Grievance Redressal Committee may prefer an appeal to the employer against the decision of Grievance Redressal Committee and the employer shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the workman concerned.

(8) Nothing contained in this section shall apply to the workmen for whom there is an established Grievance Redressal Mechanism in the establishment concerned."

## **7. Amendment Of Section 11 :-**

In section 11 of the principal Act, after sub-section (8), the following sub-sections shall be inserted, namely:--

"(9) Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908(5 of 1908).

(10) The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it."

## **8. Amendment Of Section 38 :-**

In section 38 of the principal Act, in sub-section (2),--

(i) clause (ab) shall be omitted;

(ii) for clause (c), the following clause shall be substituted, namely:--

"(c) the salaries and allowances and the terms and conditions for appointment of the presiding officers of the Labour Court, Tribunal and the National Tribunal including the allowances admissible to members of Courts, Boards and to assessors and witnesses;".