

INDUSTIAL DISPUTES (AMENDMENT) ACT 2010 WITH EFFECT FROM 15-09-10

S.N O	Section	Pre-amended position	Post-amended position
1	Sec.2(a)(i)	The scope of appropriate Government so far as central Government is concerned was restricted to only those enumerated in sub-clause(i) of clause(a) of Sec. 2	<p>Now this scope has been expanded to include companies —</p> <p>i) In which not less than 51% of the paid up share capital is held by Central Government or any corporation (excluding those mentioned in sub-clause(i) set-up by Central law or held by central public sector undertakings or by subsidiaries of principal undertakings owned by or controlled by the Central Government.</p> <p>ii) Another important amendment made to clause (a) of Sec.2 is to define appropriate government with regard to disputes between contractor and the contract labour. It now depends up on the question whether the industrial establishment which employs the</p>

			contract labour in which such dispute arises, falls under the control of Central Government or State Government. If it falls under the control of Central Govt., Central Govt. will be the appropriate government otherwise, the State Govt.
2	Sec.2(s)	Supervisors drawing wages not exceeding Rs.1600/- p.m are coming within the definition of workman.	Now, Supervisors drawing wages not exceeding Rs.10000/-p.m. are coming within the definition of workman.
3	Sec.2A	Under present provision, an individual dispute raised by a workman who is retrenched or dismissed can be adjudicated by the Labour Court/Industrial	After amendment, a new sub-sections (2) & (3) have been added which enable the individual workman who is retrenched or dismissed and who raises the dispute before conciliation officer, can now directly make an application to the Labour Court/Industrial Tribunal for adjudication of his dispute after a lapse of 45 days from the date of making an application to the conciliation officer.

		Tribunal only when it is referred by the Government on receipt of report from Conciliation Officer.	(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	Chapter IIB- Sec.9(C)	The Present Sec. 9(C) does not precisely give the constitution of the grievance redressal mechanism and the procedure. This Section has been substituted by new Sec.9(C).	The new Section 9(C) provides – i)Composition of the Grievance Redressal Committee. ii)Fixes a thirty-day time limit for redressal of the grievance. iii)Provides for appeal to the employer by the workman aggrieved by the decision of the committee.
5	Sec.11	The present section does not refer to the manner of execution of awards made by	New subsections (9) &(10) have been added to Section 11 where by the Labour Court or Industrial Tribunal shall transmit any award or order or settlement arrived before it to a

		Labour Court/ Industrial Tribunal.	civil court which will execute the same as if it were a decree passed by it.
THE PAYMENT OF GRATUITY (AMENDMENT) ACT 2009			
S.N O	Section	Pre-amended position	Post-amended position
	2(e) Definition of employee	“employee” means any person (other than an apprentice) employed on wages in any establishment, factory, mine, oilfield, plantation, port, railway company or shop, to do any skilled, semiskilled, or unskilled, manual, supervisory, technical or clerical work whether the terms of such employment are	“employee” means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;’.

		<p>express or implied and whether or not such person is employed in a managerial or administrative capacity but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;'.</p>	
<p>THE CHANGE IN DEFINATION OF EMPLOYEE INCLUDE ALL PERSONS WORK FOR WAGES SUBJECT TO EXCLUSION</p>			
<p>THE PAYMENT OF GRATUITY (AMENDMENT) ACT 2010</p>			
S.N	Section	Pre-amended	Post-amended position

0		position	
1	4(3)	3.50 lakh	10 lakh
		Maximum gratuity ceiling is enhanced from 3.50 lakh to 10 lakh Notification no SO 1217(E), DATE OF EFFECT 24/05/2010	

THE PAYMENT OF BONUS (AMENDMENT) ACT 2015			
S.N 0	Section	Pre-amended position	Post-amended position
1	12	Rs. 3500	Rs.7000 OR MINIMUM WAGES FOR THE SCHEDULED EMPLOYMENT AS FIXED BY APPROPRIATE GOVERNMENT WHICHEVER IS HIGHER EXPLANATION SCHEDULED EMPLOYMENT MEANS AS DEFINED UNDER SEC 2 (G) OF THE MINIMUM WAGES ACT 1948
2	2(13)	Rs. 10000	Rs. 21000
DATE OF EFFECT 01/04/2014			

VARIOUS HIGH COURTS HAS STAYED BACK EFFECT OF 2014-15 FINANCIAL YEAR

INDUSTRIAL DISPUTES ACT (AMENDMENT) ACT 2010	
OLD PROVISION	New provision
<p>9C. Setting up of Grievance Settlement Authorities and reference of certain individual disputes to such authorities.- (1) The employer in relation to every industrial establishment in which fifty or more workmen are employed or have been employed on any day in the preceding twelve</p>	<p>“CHAPTER IIB GRIEVANCE REDRESSAL MACHINERY 9C. (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</p>

months, shall provide for, in accordance with the rules made in that behalf under this Act, a Grievance Settlement Authority for the settlement of industrial disputes connected with an individual workman employed in the establishment.

(2) Where an industrial dispute connected with an individual workman arises in an establishment referred to in sub-section (1), a workman or any trade union of workmen of which such workman is a member, refer, in such manner as may be prescribed such dispute to the Grievance Settlement Authority provided for by 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

<p>employer under that subsection for settlement.</p> <p>(3) The Grievance Settlement Authority referred to in subsection (1) shall follow such procedure and complete its proceedings within such period as may be prescribed.</p> <p>(4) No reference shall be made under Chapter III with respect to any dispute referred to in this section unless such dispute has been referred to the Grievance Settlement Authority concerned and the decision of the Grievance Settlement Authority is not acceptable to any of the parties to the dispute.]</p>	<p>Act.</p> <p>(6) The Grievance Redressal Committee may complete its proceedings within forty-five days on receipt of a written application by or on behalf of the aggrieved party.</p> <p>(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.</p> <p>(8) Nothing contained in this section shall apply to the workmen for whom there is an established Grievance Redressal Mechanism in the establishment concerned.”</p>
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