

No. 337/XXXVI(3)/2015/60(1)/2015
Dated Dehradun, November 17, 2015

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'the Uttarakhand Industrial Disputes (Amendment) Bill, 2015' (Adhiniyam Sankhya 24 of 2015).

As Passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 09 November, 2015.

THE UTTARAKHAND INDUSTRIAL DISPUTES (AMENDMENT) ACT, 2015

(Act No. 24 of 2015)

An

Act

Further to amend the Uttar Pradesh Industrial Disputes Act, 1947, (as applicable in the State of Uttarakhand) to the context of the State of Uttarakhand.

Be it enacted by the Uttarakhand State Legislative Assembly in the Sixty Six Year of the Republic of India, as follows :-

Short title, extent and Commencement 1 (1) This Act may be called the "The Uttarakhand Industrial Disputes (Amendment) Act, 2015."

(2) It shall extend to the whole State of Uttarakhand.

(3) It shall come into force at once.

Amendment of Section 2(z)

2

In the Uttar Pradesh Industrial Disputes Act, 1947, (herein after referred to as principal Act) for the existing clause (z) of section 2, shall be substituted; namely:-

2(z) 'Workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled, manual, supervisory or any work for the promotion of sales, technical, operational, sales promotion or clerical work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:-

- (i) Who is subject to the Army Act, 1950 or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or
- (ii) Who is employed in police service or as an officer or other employee of a prison; or
- (iii) Who is employed mainly in a managerial or administrative capacity; or
- (iv) Who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

Amendment of Section 2-A

3

In the principal Act, section 2-A shall be renumbered as sub-section (1) of section 2-A and a new sub-sections (2) and (3) shall be inserted after sub-section (1); namely:-

- “(2) Notwithstanding anything contained in section 4-K, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Industrial 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 for conciliation of the dispute, and in receipt of such application the Labour

**Amendment of Section 4-L
Setting up of Grievance
Redressal Machinery**

4.

Court or Industrial Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the Government in accordance with the provisions of this Act and all the provisions of this Act shall apply to such adjudication as they apply in relation to an industrial dispute referred to it by the Government.

- (3) The application referred to in sub-section (2) shall be made to the Labour Court or Industrial 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)."

After Section 4-K of the principal Act, the following section 4-L shall be inserted namely:-

4-L(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 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 numbers of members are more than two, the number of woman members may be increased proportionately.

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

Amendments of section 5

- (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 by 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.
3. After clause (3) of sub-section 5-C, the following clauses (4) and (5) shall be inserted namely:-
- “(4) Every award made, order issued or settlement arrived at by or before Labour Court or 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) After publication of the award, The Labour Court or Tribunal as the case may be, shall forward 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.”

By Order,

JAI DEO SINGH,
Principal Secretary.