

# **Industrial Disputes (Jharkhand Amendment) Act, 2016**

JHARKHAND

India

## **Industrial Disputes (Jharkhand Amendment) Act, 2016**

### **Act 22 of 2017**

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Industrial Disputes (Jharkhand Amendment) Act, 2016(Jharkhand Act No. 22 of 2017)[Published in Jharkhand Gazette (Extraordinary) No. 935, dated 4.12.2017]An Act further to amend the Industrial Disputes Act, 1947 in its application to the State of Jharkhand, Enacted by the Jharkhand State Legislature in the Sixty-Seventh Year of the Republic of India as follows :-

### **1. Short title, extent and commencement.**

- (i) This Act may be called the Industrial Disputes (Jharkhand Amendment) Act, 2016.(ii)It shall extend to the whole of the State of Jharkhand.(iii)It shall come into force w.e.f. the date of publication in Official Gazette.

### **2. Amendment of Section 2, of the Central Act No. 14 of 1947.**

- Clause (iv) of subsection (s) and first para of sub-section (s) of Section 2 shall be amended as follows:(i)In first para of sub-section (s) of Section 2 the expression "or any work for the promotion of sales" shall be inserted between the words "or supervisory work" and "for hire or reward"(ii)In clause (iv) of Sub-section (s) of Section 2 the expression "wages exceeding Ten thousand rupees" shall be substituted by "draws wages exceeding the amount as specified in sub-section (6) of Section (1) of the Payment of Wages Act."

### **3. Amendment of Section 25, of the Central Act No. 14 of 1947.**

- Clause (a) and Clause (b) of sub-section (F) of Section 25 shall be amended as follows:(i)At the end of Clause (a) of Sub-section (F) of Section 25 following para shall be inserted:"Provided that in such industrial establishments where more than fifty workmen have been employed on an average per working day in preceding twelve months, the workman has been given forty five days notice in

writing indicating the reasons for retrenchment and the period of notice has expired."(ii)At the end of clause (b) of sub-section (F) of Section 25 following para shall be inserted:"Provided that in such industrial establishments where more than fifty and less than three hundred workmen have been employed on an average per working day in preceding twelve months, the workman shall be paid at the time of retrenchment, compensation which shall be equivalent to forty five days average pay for every completed year of continuous service or any part thereof in excess of six months."

#### **4. Amendment of Section 25-K, Central Act No. 14 of 1947.**

- For the existing Section 25K of the principal Act, the following shall be substituted, namely :-"25-K" Application of Chapter VB -(1)The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.(2)Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that maintenance of industrial peace or prevention of victimization of workmen so requires by notification in the Official Gazette apply the provisions of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred as may be specified in the notification were employed on an average per working day for the preceding twelve months.(3)If a question arises whether an industrial establishment is of a seasonal character or whether work is performed, therein only intermittently the decision of the appropriate Government thereon shall be final.

#### **5. Amendment of Section 25-N, Central Act No. 14 of 1947.**

- Clause (a) of subsection (1) and sub-section (9) of Section 25 N shall be amended as follows:-(i)in clause (a) of sub-section (1) the existing expression "or the workman has been paid in lieu of such notice wages for the period of the notice" shall be deleted; and(ii)in sub-section (9) the expression "fifteen days average pay" shall be substituted by the expression "three months average pay".

#### **6. Amendment of Section 25-O, Central Act No. 14 of 1947.**

- In sub-section (8) of Section 25-o of the principal Act, after the existing expression, the expression "fifteen days average pay" shall be substituted by the expression "three months average pay".