



**The Bombay Industrial Relations (Gujarat Extension and Amendment) Act,
1961**

20 of 1961

Keyword(s):
Industry, Dispute

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The Gujarat Government Gazette

EXTRAORDINARY

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
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The following Act of the Gujarat Legislature having been assented to by the President on the 6th May 1961, is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XX OF 1961

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 17th May 1961).

An Act to amend the Bombay Industrial Relations Act, 1946 and extend it to the Saurashtra and Kutch areas of the State of Gujarat.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Industrial Relations (Gujarat **Short title.** Extension and Amendment) Act, 1961.

- Extension of Bom. XI of 1947 to Saurashtra and Kutch areas of State of Gujarat. **2.** The Bombay Industrial Relations Act, 1946 as in force in the Bombay area of the State of Gujarat immediately before the commencement of this Act, is hereby extended to the Saurashtra and Kutch areas of the State of Gujarat. Bom. XI of 1947.
- Amendment of section 2 of Bom. XI of 1947. **3.** In section 2 of the Bombay Industrial Relations Act, 1946 as extended by section 2 (hereinafter referred to as "the principal Act"),— Bom. XI of 1947.
- (a) for sub-section (1), the following shall be substituted, namely :—
 "(1) This Act extends to the whole of the State of Gujarat. ";
 (b) sub-section (2) shall be renumbered as clause (a) of that sub-section and after clause (a) as so renumbered the following clause shall be inserted, namely :—
 "(b) In those areas of the State of Gujarat to which it is extended by the Bombay Industrial Relations (Gujarat Extension and Amendment) Act, 1961, it shall come into force on such other date as the State Government may by notification in the *Official Gazette* specify. " Guj. XX, 1961.
- Amendment of section 5 of Bom. XI of 1947. **4.** In section 5 of the principal Act, in sub-section (1), for the words "Bombay area of the State of Gujarat" the words "State of Gujarat" shall be substituted.
- Amendment of section 6 of Bom. XI of 1947. **5.** In section 6 of the principal Act, in sub-section (1), for the words "Bombay area of the State of Gujarat" the words "State of Gujarat" shall be substituted.
- Amendment of section 86A of Bom. XI of 1947. **6.** In section 86A of the principal Act, for the words "Bombay area of the State of Gujarat" the words "State of Gujarat" shall be substituted.
- Amendment of section 86L of Bom. XI of 1947. **7.** In section 86L of the principal Act, in sub-section (1), for the words "Bombay area of the State of Gujarat" the words "State of Gujarat" shall be substituted.
- Insertion of section 120A in Bom. XI of 1947. **8.** After section 120 of the principal Act, the following new section shall be inserted, namely :—
 "120A. Nothing in this Act shall affect any of the provisions of the Industrial Disputes Act, 1947, and no proceeding shall be held under this Act relating to any matter or dispute which has been referred to and is pending before a Board, a Court for inquiry, a Labour Court or a Tribunal under the said Act. " XIV of 1947.
- Provisions of Act XIV of 1947 not to be affected.
- Amendment of section 123 of Bom. XI of 1947. **9.** In section 123 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—
 "(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. "

The following Act of the Gujarat Legislature having been assented to by the President on the 21st February 1962 is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. VIII OF 1962.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 28th February 1962).

An Act further to amend the Bombay Industrial Relations Act, 1946.

It is hereby enacted in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Industrial Relations (Gujarat Amendment) Act, 1961. Short title and commencement.

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

Bom. XI of 1947. 2. In section 3 of the Bombay Industrial Relations Act, 1946 (hereinafter referred to as "the principal Act"),— Amendment of section 3 of Bom. XI of 1947.

(i) for clause (13), the following shall be substituted, namely:—

" (13) "employee" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and includes

(a) a person employed in the execution of any work in respect of which the owner of an undertaking is an employer within the meaning of sub-clause (c) of clause (14).

(b) a person who has been dismissed or discharged from employment on account of any dispute relating to a change in respect of which a notice is given or an application made under section 42 whether before or after his dismissal or discharge; but does not include

(i) a person who is employed in the police service or as an officer or other employee of a prison,

(ii) a person, who being employed primarily in a managerial, administrative or supervisory capacity draws basic pay (excluding allowances) exceeding five hundred rupees per month, and

(iii) irrespective of the pay drawn, any other person or class of persons employed in any capacity specified in clause (ii) or in a technical capacity, which the State Government may, by notification in the *Official Gazette*, specify in this behalf" ; and

(ii) in clause (14), for sub-clause (e), the following shall be substituted, namely:—

“(e) where the owner of any undertaking in the course of or for the purpose of conducting the undertaking entrusts the execution of the whole or any part of any work which is ordinarily a part of the undertaking, to any person otherwise than as the servant or agent of the owner, the owner of the undertaking;”

(iii) in clause (33A) for the figures and letter “86A” the figures and letters “86AA” shall be substituted.

Amendment
of section 10
of Bom. XI
of 1947.

3. In section 10 of the principal Act, in sub-section (4), after the words “or is eligible for being appointed a judge of such Court” the words “or has presided over a Labour Court for not less than ten years” shall be inserted and after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that a member, who before his appointment as such member has presided over a Labour Court for not less than ten years shall notwithstanding anything contained in section 92, be eligible for appointment on a Bench of the Industrial Court consisting only of one member and section 92 shall have effect accordingly.”

Amendment
of section 14
of Bom. XI
of 1947.

4. In section 14 of the principal Act, for the third proviso the following shall be substituted, namely:—

“Thirdly, that—

(i) where two or more unions fulfilling the conditions necessary for registration apply in the same calendar month for registration in respect of the same industry in any local area, subject to the provisions of the second proviso, the union having the largest membership of employees employed in the industry during the whole of the period of three calendar months immediately preceding that in which the applications were made shall be registered, and any application made in any subsequent calendar months shall not be considered by the Registrar until the applications made in the earlier calendar month are disposed of by him ;

(ii) where a union fulfilling the conditions necessary for registration makes an application during any calendar months for registration in respect of an industry in any local area, any application in any subsequent calendar month by any other union for registration in respect of the same industry shall not be considered by the Registrar until the former application is disposed of by him ;”

Amendment
of section 16
of Bom. XI
of 1947.

5. To sub-section (3) of section 16 of the principal Act, the words “and issue certificate of registration in such form as may be prescribed” shall be added at the end.

6. In section 23 of the principal Act,

Amendment
of section 23
of Bom. XI
of 1947.

(1) in sub-section (1)

(i) for clause (v) the following shall be substituted, namely :—

“(v) every industrial dispute in which a settlement is not reached by conciliation shall be offered to be submitted to arbitration or for decisions to a Wage Board as may be mutually agreed upon and that arbitration of the Industrial Court under Chapter XI shall not be refused by it may dispute ;”

(ii) clause (vi) shall be deleted ;

(2) to sub-section (3), the following provisoes shall be added, namely :—

“Provided that where two or more unions satisfying the conditions necessary for being entered in the approved list under sub-section (1) apply in the same calendar month for being so entered in respect of the same industry in any local area, union having the largest membership of employees employed in the industry during the calendar month immediately preceding that in which the applications were made shall be entered in the approved list and any application made in subsequent calendar months shall not be considered by the Registrar until the applications made in the earlier calendar months are disposed of by him.

Provided further that where a union satisfying the conditions necessary for being entered in the approved list applies in any calendar month for being so entered in respect of an industry in any local area, any application in any subsequent calendar month by any other union for being so entered in respect of the same industry shall not be considered by the Registrar until the former application is disposed of by him.”

(3) to sub-section (4), the following shall be added at the end, namely:—

“If he is satisfied that the membership of the applicant union had in the calendar month in which the application was made as also in the calendar month immediately preceding it was respectively larger than the membership of the approved unions in those months. The provisions of sub-section (3) shall *mutatis mutandis* apply to such application.”

7. In section 23A of the principal Act, for the words “shall be deemed to be the approved union” the words “shall continue to have all the rights and privileges of an approved union in respect of its members” shall be substituted.

Amendment
of section
23A of
Bom. XI of
1947.

8. In section 24 of the principal Act, in clause (ii) the word “or” shall be added at the end and after clause (ii) the following shall be inserted, namely :—

Amendment
of section 24
of Bom. XI
of 1947.

“(iii) as instigated, aided or assisted the commencement or continuance of a strike or a stoppage which has been held or declared to be illegal.”

Insertion of new section 24A in Bom. XI of 1947. .

9. After section 24 of the principal Act, the following new section shall be inserted, namely:—

“24A. (1) Any party to a proceeding before the Registrar may, within 30 days from the date of an order passed by the Registrar under this Chapter, appeal against such order to the Industrial Court:

Appeal to Industrial Court from order of Registrar.

Provided that, the Industrial Court may for sufficient reason admit any appeal made after the expiry of such period.

(2) The provisions of sub-sections (2) and (3) of section 20 shall apply *mutatis mutandis* to an appeal under this section.”

Amendment of section 25 of Bom. XI of 1947.

10. In section 25 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

“(d) to remain present during a departmental enquiry against an employee who is a member of that union.”

Amendment of section 27 of Bom. XI of 1947.

11. In section 27 of the principal Act,

(i) in clause (a) of sub-section (1), after the words “any combination of employers in an industry” the words “in any local area” shall be inserted;

(ii) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) Where in any proceeding under this Act, an employer is represented by an association of employers, a registered agreement, settlement, submission or a ward to which such association is a party, shall be binding on such employer.

(5) Where in pursuance of the provisions of sub-section (2) an association of employers represents any employers in any proceeding under this Act, it shall, at the earliest stage of the proceeding, furnish to the authority before whom it is held a list containing the names of the employers whom it represents”.

Insertion of new section 27B in Bom. XI of 1947.

12. After section 27A of the principal Act, the following new section shall be inserted, namely:—

Continuance of recognition of association of employers for altered local area.

“27B. Notwithstanding anything contained in this Act, on any alteration in any local area or areas any association of employers, recognised under sub-section (1) of section 27 for the local area or areas immediately before such alteration, shall be entitled to represent the employers in accordance with the provisions of sub-section (2) of that section in the altered local area or areas, as the case may be, for a period of twelve months from the date on which such alteration is effected.”

13. In section 64 of the principal Act,

(i) in clause (a), in sub-clause (vi) after the words and figures "section 72 or 73" the words, figures and letter "or referred for decision under section 86C" shall be inserted. Amendment of section 64 of Bom. XI of 1947.

(ii) in clause (b), in sub-clause (ii) after the words, figures and letter "section 72, 73 or 73A" the words, figures and letter "or referred for decision under section 86C or 86CC" shall be inserted.

14. In section 82 of the principal Act, after the words "the person affected thereby" the words "or by a representative union which is also an approved union," shall be inserted. Amendment of section 32 of Bom. XI 1947.

15. Section 85 of the principal Act shall be renumbered as sub-section (1) of that section and after the sub-section so renumbered, the following sub-section shall be inserted, namely :— Amendment of section 85 of Bom. XI of 1947.

" (2) The Industrial Court may, be order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court and transfer it for disposal to another Labour Court which may, subject to any special directions in the order of transfer, proceed in the matter either *de novo* or from the stage at which it is so transferred. "

16. In Chapter XII of the principal Act, after section 86, the following new section shall be inserted, namely :— Insertion of new section 86A in Bom. XI of 1947.

"86A. A Labour Court shall have the power to direct by whom the whole or any part of the costs of any proceeding before it shall be paid : Power to award costs.

Provided that, no such costs shall be directed to be paid for the services of any legal adviser engaged by any party.

(2) The provisions of section 93 shall apply to an order made under this section in the same manner as they apply to an order of the Industrial Court."

17. Section 86A of the principal Act shall be renumbered as section 86AA. Renumbering of section 86 A as section 86AA.

18. In section 87 of the principal Act, in clause (a) —

(i) in sub-clause (i), for the figures and word "20 or 44" the figures, letter and word "20,24A or 44" shall be substituted ; and Amendment of section 87 of Bom. XI of 1947.

(ii) after sub-clause (viii) the following sub-clause shall be inserted, namely:—

" (viii a) to decide applications made to it under section 115 B; "

19. In section 93 of the principal Act, after the words "a place of residence or business" the words " or where such place is within the City of Ahmedabad before the Court of Small Causes of Ahmedabad" shall be inserted. Amendment of section 93 of Bom. XI of 1947.

Amendment of section 107 of Bom. XI of 1947. 20. In section 107 of the principal Act, after the words "who acts in contravention of " the words, brackets and figures "a model standing order notified and in operation under sub-section (5) of section 35 of " shall be inserted.

Amendment of section 114 of Bom. XI of 1947. 21. In section 114 of the principal Act, in sub-section (2), after the words "in that local area" the words "and with effect from such date", shall be inserted,

Insertion of new section 115B in Bom. XI of 1947. 22. After section 115A of the principal Act, the following section shall be inserted, namely:—

Construction and interpretation of awards. " 115B. Where any question arises regarding the construction or interpretation of any award, any employer or employee on whom such award is binding may :—

(a) if the award was made by a Labour Court, Wage Board or Industrial Court, apply to the Court or Board which made the award, and

(b) if the award was made by any other arbitrator, apply to the Industrial Court,

for deciding the question. The Court or Board to which the application is made may, after giving the parties concerned an opportunity of being heard, decide the question and such decision shall be binding on the parties on whom the award is binding."

Amendment of section 116 of Bom. XI of 1947. 23. In section 116 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely :—

" (4A) A notice given by a party under sub-section (1) or (3) may be withdrawn by it by a subsequent notice given in writing in the prescribed manner before the expiry of two calendar months from the date on which the previous notice was given. The party giving such subsequent notice shall send a copy thereof to the Registrar and the Labour Officer of the local area concerned."

Amendment of section 116A of Bom. XI of 1947. 24. To sub-section (3) of section 116A of the principal Act, the following shall be added, namely :—

"with effect from such date as it may specify."

Deletion of section 121 of Bom. XI of 1947. 25. Section 121 of the principal Act shall be deleted.

Insertion of new section 124 in Bom. XI of 1947. 26. After section 123 of the principal Act, the following new section shall be inserted, namely :—

" 124. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to it as may be specified in the notification."

Amendment of schedule III to Bom. XI of 1947. 27. In Schedule III to the principal Act in item (5), the word "awards" shall be deleted.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 3rd December 1966 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 22 OF 1966

(First published, after having received the assent of the President in the *Gujarat
Government Gazette* on the 8th December 1966.)

An Act further to amend the Bombay Industrial Relations Act, 1946.

It is hereby enacted in the Seventeenth Year of the Republic of India as
follows :—

1. This Act may be called the Bombay Industrial Relations (Gujarat Amend-Short title,
ment) Act, 1966.

2. In section 3 of the Bombay Industrial Relations Act, 1946 (hereinafter Amendment
referred to as "the principal Act"),— of section
3 of Bom.
XI of 1947.

(a) in clause (13), in sub-clause (b), for the words "dismissed or discharged from employment" the words "dismissed, discharged or retrenched from employment or whose services have been terminated" shall be substituted; and for the words "dismissal or discharge", the words "dismissal, discharge, retrenchment or, as the case may be, termination from employment" shall be substituted;

(b) in clause (23),—

(i) after the words "any area" the brackets and words "(including the entire State)" shall be inserted; and

(ii) the following shall be added at the end, namely :—

"or for different industries;"

(c) in clause (25), for the words "two annas" the words "twenty-five paise" shall be substituted;

(d) in clause (31), after the words "and includes" the words "an Additional Registrar, and" shall be inserted;

(e) in clause (39), for sub-clause (vi), the following sub-clause shall be substituted, namely :—

"(vi) gratuity payable, if any."

Amendment
of section
13 of Bom.
XI of 1947.

3. In section 13 of the principal Act,—

(a) in sub-section (1), for the words "not less than fifteen percent" the words "not less than twenty-five per cent" shall be substituted;

(b) after sub-section (3), the following new sub-section shall be added, namely :—

"(4) Notwithstanding anything contained in this section, if a union makes a fresh application for registration as a Representative Union, Qualified Union, or as the case may be, Primary Union, the Registrar shall not entertain such application unless a period of one year has elapsed since the date of disposal by the Registrar of the previous application of that union for such registration."

Amendment
of section
16 of Bom.
XI of 1947.

4. In section 16 of the principal Act, in sub-section (1),—

(i) after the words "the Registrar shall" the words "if a period of two years has elapsed since the date of registration of the registered union," shall be inserted;

(ii) at the end, the following proviso shall be added, namely :—

“Provided that the Registrar shall not entertain any application for registration of a union, unless a period of one year has elapsed since the date of disposal of the previous application of the union.”.

5. In section 20 of the principal Act, in the marginal note thereto, the words “cancelling registration” shall be deleted. Amendment
of section
20 of Bom.
XI of 1947.

6. In section 23 of the principal Act,—

Amendment
of section
23 of Bom.
XI of 1947.

(a) in sub-section (1),—

(i) in clause (i), for the words “four annas” the words “fifty paise” shall be substituted;

(ii) for clause (v), the following shall be substituted, namely :—

“(v) every industrial dispute in which an agreement or settlement is not reached shall be offered to be submitted to arbitration or for decision to a Wage Board as may be mutually agreed upon and that if at any time an employer agrees to refer all disputes, as then existing and to which the union is a party to arbitration of the Industrial Court under Chapter XI, such arbitration shall not be refused by it;”;

(b) in sub-section (2), for the words “two annas” the words “twenty-five paise”, and for the words “four annas” the words “fifty paise” shall be substituted;

(c) in sub-section (4),—

(i) after the words “such industry” the words “in that local area” shall be inserted;

(ii) the following proviso shall be added at the end, namely :—

“Provided that the Registrar shall not entertain—

(a) any such application unless a period of two years has elapsed since the approved union was entered in the approved list;

(b) any fresh application by the same union, unless a period of one year has elapsed from the date of disposal of its previous application by the Registrar.”.

7. In section 27 of the principal Act, in sub-section (1), in clause (a), after the words “in the industry” at the end, the words “in that local area” shall be inserted. Amendment
of section
27 of Bom.
XI of 1947.

Substitution of section 68 in Bom. XI of 1947. **8.** For section 68 of the principal Act, the following shall be substituted, namely :—

Non-application of Arbitration Act, 1940. "68. Nothing in the Arbitration Act, 1940 shall apply to arbitrations under **X of 1940.** this Chapter."

Insertion of new section 73AA in Bom. XI of 1947. **9.** After section 73 of the principal Act, the following new section shall be inserted, namely :—

Power of State Government to include other undertakings in references to Labour or Industrial Court. "73AA. Where an industrial dispute concerning any undertaking in an industry or section thereof has been or is to be referred to a Labour Court or Industrial Court under section 72 or 73, and the State Government is of opinion, whether on application made to it in this behalf or otherwise, that the dispute is of such a nature that any other undertaking, group or class of undertakings of a similar nature in that industry or any section thereof is likely to be interested in or affected by such dispute, the State Government may, at the time of making such reference or at any time thereafter, but before the submission of the award, include in that reference such undertaking, group or class of undertakings or any section thereof, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of undertakings or section thereof."

Amendment of section 75 of Bom. XI of 1947. **10.** In section 75 of the principal Act, for the words "The award shall" the words, figures and letters "Except as provided in section 118B, the award shall" shall be substituted.

Amendment of section 79 of Bom. XI of 1947. **11.** In section 79 of the principal Act, in sub-section (4), for the words "three months" wherever they occur the words "six months" shall be substituted.

Amendment of section 94 of Bom. XI of 1947. **12.** In section 94 of the principal Act, for clause (a), the following shall be substituted, namely :—

"(a) all parties to the industrial dispute;"

Amendment of section 95 of Bom. XI of 1947. **13.** In section 95 of the principal Act, in sub-section (J), after the words "a registered union" the words "or a representative of employees" shall be inserted.

Amendment of section 100 of Bom. XI of 1947. **14.** In section 100 of the principal Act, after sub-section (3), the following new sub-section shall be added, namely :—

"(4) A Court of Enquiry may refer to the Industrial Court any point of law arising in any proceeding before it under this Act. Any finding of the Court of Enquiry in such proceeding shall be in accordance with the decision of the Industrial Court on such point."

15. After section 118A of the principal Act, the following new section shall be inserted, namely :—

Insertion
of new section
118B in Bom.
XI of 1947.

“118B. (1) Where in any proceeding before the Industrial Court or a Labour Court, if either party in spite of notice of hearing having been duly served on it, does not appear when the matter is called on for hearing, the Court may either adjourn the hearing of the matter to a subsequent date or proceed *ex-parte* and make such award, order or decision as it thinks fit.

Consequences
of non-appea-
rance of
parties.

(2) Where any award, order or decision is made *ex-parte* under sub-section (1), the aggrieved party may, within thirty days of the receipt of a copy thereof, make an application to the Court, to set aside such award, order or decision. If the Industrial Court or Labour Court is satisfied that there was sufficient cause for non-appearance of the aggrieved party, it may set aside the award, order or decision so made and shall appoint a date for proceeding with the matter :

Provided that no award, order or decision shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.”

16. For section 121 of the principal Act, the following shall be substituted, namely :—

Substitution
of section
121 of Bom.
XI of 1947.

Bom.
IX of
1934.

“121. The Bombay Trade Disputes Conciliation Act, 1934 is hereby repealed.”

Repeal of
Bom. IX of
1934.

17. In section 123 of the principal Act, in sub-section (2),—

Amendment
of section
123 of Bom.
XI of 1947.

(i) in clause (g), after the words, brackets and figure “sub-section (1)” the words, brackets and figure “the form of certificate of registration under sub-section (3)” shall be inserted;

(ii) in clause (na), for the figures and word “III and IV” the figures and word “III, IV and V” shall be substituted.

18. In section 124 of the principal Act, the words “subordinate to it” shall be deleted.

Amendment
of section 124
of Bom. XI
of 1947.



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 5th October 1968 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 18 OF 1968.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 6th October 1968.)

An Act further to amend the Bombay Industrial Relations Act, 1946.

It is hereby enacted in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Industrial Relations (Gujarat Amendment) Act, 1968.

Short title.

Bom.
XI of
1947.

2. After sub-section (I) of section 97 of the Bombay Industrial Relations Act, 1946 the following sub-section shall be inserted, namely:—

Amendment
of section
97 of Bom.
XI of 1947.

“(1A) Notwithstanding anything contained in sub-section (I) a strike which is commenced or continued only for the reason that the employer has not paid the basic pay or dearness allowance due to the employees within the period fixed under any law for the time being in force or under a registered agreement or settlement or an effective award or an effective decision of a Wage Board shall not be deemed to be illegal:

Provided that such strike shall be deemed to be illegal if—

- (i) it is commenced without seven clear days' notice being given to the employer by the representative of employees, or
- (ii) it is commenced or continued after the employer has paid basic pay or dearness allowance due to the employees."

Repeal of
Guj. Ord.
2 of 1968.

3. The Bombay Industrial Relations (Gujarat Amendment) Ordinance, 1968 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Guj.
Ord.
No. 2
of
1968.

Bom
1 of
1904.



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 5th October, 1972, is hereby published for general information.

S. S. SHAH,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 20 OF 1972.

(First published, after having received the assent of the President in the Gujarat Government Gazette on the 19th October, 1972.)

An Act further to amend the Bombay Industrial Relations Act, 1946.

It is hereby enacted in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Industrial Relations (Gujarat Amendment) Act, 1972. Short title and commencement.

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

2. In the Bombay Industrial Relations Act, 1946 (hereinafter referred to as Amendment of section 27-A of Bom. XI of 1947.
"the principal Act"), in section 27A, for the words and figures "sections 32 and 33" the words, figures and letter "sections 32, 33 and 33A" shall be substituted.

Bom.
VI of
1947

Amendment
of section 30
of Bom. XI
of 1947.

3. In section 30 of the principal Act, for the words "The following shall be entitled to appear or act" the words, figures and letter "Subject to the provisions of section 33A, the following shall be entitled to appear or act" shall be substituted.

Amendment
of section 32
of Bom. XI
of 1947.

4. In section 32 of the principal Act, in the proviso,—

(a) for the words "Provided that" the words, figures and letter "Provided that, subject to the provisions of section 33A," shall be substituted;

(b) after the words "any proceedings" the brackets and words "(not being a proceeding before a Labour Court or the Industrial Court in which the legality or propriety of an order of dismissal, discharge, removal, retrenchment, termination of service or suspension of an employee is under consideration)" shall be inserted.

Amendment
of section 33
of Bom. XI
of 1947.

5. In section 33 of the principal Act,—

(a) in clause (b), the words and figures "or for deciding any industrial dispute referred to it under section 72" shall be deleted;

(b) in the second proviso,—

(i) for the words "Provided further that" the words, figures and letter, "Provided further that, subject to the provisions of section 33A," shall be substituted;

(ii) after the words "any proceeding under this Act" the brackets and words "(not being a proceeding before a Labour Court or the Industrial Court in which the legality or propriety of an order of dismissal, discharge, removal, retrenchment, termination of service or suspension of an employee is under consideration)" shall be inserted.

Insertion of
section 33A
in Bom. XI
of 1947.

6. In the principal Act, after section 33, the following section shall be inserted, namely:—

Persons who
may appear
in proceed-
ing in which
there is dis-
pute between
employees
and
employees.

"33A. (1) In any dispute between the employees and employees referred to arbitration of a Labour Court or the Industrial Court under section 72, all persons, who are parties to the dispute, shall be entitled to appear and act in the proceedings before such Court :

Provided that, where the number of employees on either side exceeds five, then such employees shall elect, in the manner prescribed, two persons from amongst themselves to appear and act for them.

(2) If a Representative Union desires to be heard in respect of such dispute, it may, on application made to the Court, also be heard by such Court."

Amendment
of section 34
of Bom. XI
of 1947.

7. In section 34 of the principal Act, in sub-section (6), in the proviso, in clause (b), for the words "except at the request of the union" the words "except after consultation with such union" shall be substituted.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 21st March, 2005 is hereby published for general information.

S.S.PARMAR,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2005.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 21st March, 2005).

AN ACT

further to amend the Bombay Industrial Relations Act, 1946.

It is hereby enacted in the Fifty-Sixth Year of the Republic of India as follows:-

1. This Act may be called the Bombay Industrial Relations (Gujarat Amendment) Act, 2005. Short title.

Amendment
of section 2 of
Bom. XI of
1947.

2. In the Bombay Industrial Relations Act, 1946, in section 2, after sub-section (5), the following shall be added, namely :-

Bom. XI of
1947.

“(6) The State Government may, by notification in the *Official Gazette*, direct that the provisions of this Act shall cease to apply to such industry, in such area, and from such date, as may be specified in the said notification, and thereupon the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to such cessor as if this Act had then been repealed in relation to the said industry in such area by the Gujarat Act.”

Bom. 1 of
1904.