



The Bombay Industrial Relations and Industrial Disputes (Gujarat
Amendment) Act, 1972

21 of 1972

Keyword(s):

Industrial Relations, Industrial Disputes, Employer

Amendment appended: 22 of 1981

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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. 21 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 and the Industrial Disputes Act, 1947 in its application to the State of Gujarat.

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 and Industrial Disputes (Gujarat Amendment) Act, 1972.

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

Short title
and
commencement.

Amendment
of section 3
of Bom. XI
of 1947.

2. In section 3 of the Bombay Industrial Relations Act, 1946 (herein-
after referred to as "the Bombay Act"), after clause (II), the following clau-
se shall be inserted, namely :—

Bom
X.
of
1947

"(IIA) "Council" means a Joint Management Council for any under-
taking constituted under section 53A".

Insertion
of Chapter
IXA in
Bom. XI
of 1947.

3. After Chapter IX of the Bombay Act, the following Chapter shall
be inserted, namely :—

"CHAPTER IXA

JOINT MANAGEMENT COUNCILS.

Constitution
of Joint
Management
Councils.

53A. (1) If in respect of any industry, the State Government is of
opinion that it is desirable in public interest to take action under this
section, it may, in the case of all undertakings or any class of under-
takings in such industry, in which five hundred or more employees are
employed or have been employed on any day in the preceding twelve
months, by general or special order, require the employer to constitute in
the prescribed manner and within the prescribed time limit a Joint Ma-
nagement Council, consisting of such number of members as may be prescri-
bed, comprised of representatives of employers and employees engaged in the
undertaking, so however that the number of representatives of employees on
the Council shall not be less than the number of representatives of the em-
ployers. Notwithstanding anything contained in this Act, the representatives
of the employees on the Council shall be elected in the prescribed manner by
the employees engaged in the undertaking from amongst themselves :

Provided that a list of industries in respect of which no order is issued under
this sub-section shall be laid by the State Government before the State Legisla-
ture within thirty days from the commencement of its first Session of each year.

(2) One of the members of the Council shall be appointed as Chairman in
accordance with rules made in this behalf.

Functions
of Council.

53B. (1) The Council shall be charged with the general duty to pro-
mote and assist in the management of the undertaking in a more efficient,
orderly and economical manner, and for that purpose and without pre-
judice to the generality of the foregoing provision, it shall be the duty of
the Council—

- (a) to promote cordial relations between the employer and employees;
- (b) to build up understanding and trust between them;
- (c) to promote measures which lead to substantial increase in
productivity;
- (d) to secure better administration of welfare measures and adequate
safety measures ;
- (e) to train the employees in understanding the responsibilities of
management of the undertaking and in sharing such responsibilities
to the extent considered feasible; and
- (f) to do such other things as may be prescribed.

(2) The Council shall be consulted by the employer on all matters relating to the management of the undertaking specified in sub-section (1) and it shall be the duty of the Council to advise the employer on any matter so referred to it.

(3) The Council shall be entrusted by the employer with such administrative functions, appearing to be connected with, or relevant to, the discharge by the Council of its duties under this section, as may be prescribed.

(4) It shall be the duty of the employer to furnish to the Council necessary information relating to such matters as may be prescribed for the purpose of enabling it to discharge its duties under this Act.

(5) The Council shall follow such procedure in the discharge of its duties as may be prescribed."

4. After section 106A of the Bombay Act, the following section shall be inserted, namely:—

Insertion
of section
106B in
Bom. XI of
1947.

"106B. Any employer who fails to nominate his representatives to be appointed as members of the Council within the time limit specified for the constitution of the Council under sub-section (1) of section 53A shall, on conviction, be punishable with fine which may extend to fifty rupees and in the case of a continuing failure, with an additional fine which may extend to fifty rupees for every day during which such failure continues."

Penalty
for failure
to nominate
members on
Council by
employer.

5. In section 123 of the Bombay Act, in sub-section (2), after clause (y) the following clauses shall be inserted, namely:—

Amendment
of section 123
of Bom. XI
of 1947.

"(y-a) the manner of constituting a Council and filling of vacancies therein, the number of members of such Council, and the manner of electing the representatives of employees under sub-section (1) of section 53A;

(y-b) the other things which a Council may do under clause (f) of sub-section (1) of section 53B;

(y-c) the administrative functions with which a Council shall be entrusted under sub-section (3) of section 53B;

(y-d) matters relating to which information shall be furnished to the Council by the employers under sub-section (4) of section 53B ;

(y-e) the procedure to be followed by the Council in the discharge of its duties, under sub-section (5) of section 53B;"

Amendment
of section
2 of XIV
of 1947.

6. In section 2 of the Industrial Disputes Act, 1947 in its application to the State of Gujarat (hereinafter referred to as "the Central Act"), after clause (ee), the following clause shall be inserted, namely:—

"(eee) "Council" means a Joint Management Council for any industrial establishment constituted under section 3A ;".

Insertion
of section 3A
in XIV of
1947.

7. After section 3 of the Central Act, the following section shall be inserted, namely:—

Joint
Management
Council.

"3A. (1) If in respect of any industry, in relation to the industrial dispute in which the appropriate Government is the State Government, the State Government is of opinion that it is desirable in public interest to take action under this section, it may, in the case of all industrial establishments or any class of industrial establishments in such industry, in which five hundred or more workmen are employed or have been employed on any day in the preceding twelve months, by general or special order, require the employer to constitute in the prescribed manner and within the prescribed time limit a Joint Management Council consisting of such number of members as may be prescribed, comprised of representatives of employers and workmen engaged in the establishment, so however that the number of representatives of workmen on the Council shall not be less than the number of representatives of the employers. The representatives of the workmen on the Council shall be elected in the prescribed manner by the workmen engaged in the establishment from amongst themselves:

Provided that a list of industries in respect of which no order is issued under this sub-section shall be laid by the State Government before the State Legislature within thirty days from the commencement of its first Session of each year.

(2) One of the members of the Council shall be appointed as Chairman in accordance with rules made in this behalf.

Functions
of the
Council.

3B. (1) The Council shall be charged with the general duty to promote and assist in the management of the industrial establishment in a more efficient, orderly and economical manner, and for that purpose and without prejudice to the generality of the foregoing provision, it shall be the duty of the Council—

- (a) to promote cordial relations between the employer and employees;
- (b) to build up understanding and trust between them;
- (c) to promote measures which lead to substantial increase in productivity;
- (d) to secure better administration of welfare measures and adequate safety measures;

(e) to train the employees in understanding the responsibilities of management of the undertaking and in sharing such responsibilities to the extent considered feasible; and

(f) to do such other things as may be prescribed.

(2) The Council shall be consulted by the employer on all matters relating to the management of the industrial establishment specified in sub-section (1) and it shall be the duty of the Council to advise the employer on any matter so referred to it.

(3) The Council shall be entrusted by the employer with such administrative functions appearing to be connected with, or relevant to, the discharge by the Council of its duties under this section as may be prescribed.

(4) It shall be the duty of the employer to furnish to the Council necessary information relating to such matters as may be prescribed for the purpose of enabling it to discharge its duties under this Act.

(5) The Council shall follow such procedure in the discharge of its duties as may be prescribed."

8. After section 30 of the Central Act, the following section shall be inserted, namely:-

Insertion
of section
30A in XIV
of 1947.

"30A. Any employer who fails to nominate his representatives to be appointed as members of the Council within the time limit specified for the constitution of the Council under sub-section (1) of section 3A shall, on conviction, be punishable with fine which may extend to fifty rupees and in the case of a continuing failure, with an additional fine which may extend to fifty rupees for every day during which such failure continues."

Penalty
for failure
to nominate
members on
Council by
employer.

9. In section 33 of the Central Act, in sub-section (2), after clause (b), the following clauses shall be inserted, namely:-

Amendment
of section 33
of XIV of
1947.

"(b-1) the manner of constituting a Council and filling of vacancies therein, the number of members of such Council, and the manner of electing the representatives of workmen under sub-section (1) of section 3A;

(b-2) the other things which a Council may do under clause (f) of sub-section (1) of section 3B;

(b-3) the administrative functions with which a Council shall be entrusted under sub-section (3) of section 3B;

(b-4) matters relating to which information shall be furnished to the Council by the employers under sub-section (4) of section 3B;

(b-5) the procedure to be followed by the Council in the discharge of its duties under sub-section (5) of section 3B."



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PART IV

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

The following Act of the Gujarat Legislature having been assented to by the President on the 21st June, 1981 is hereby published for general information.

K. M. SATWANI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 22 OF 1981.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 25th June, 1981).

An Act further to amend the Bombay Industrial Relations Act, 1946, and the Industrial Disputes Act, 1947, in its application to the State of Gujarat.

It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Industrial Relations and Industrial Disputes (Gujarat Amendment) Act, 1981.

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

Short
 title and
 commence-
 ment.

Amendment
of section 3
of Bom. XI
of 1947.

2. In the Bombay Industrial Relations Act, 1946 (hereinafter referred to as Bom. XI of 1947. "the Bombay Act"), in section 3, in clause (13), in sub-clause (b), in paragraph (ii), for the words "five hundred", the words "one thousand" shall be substituted.

Amendment
of section 9
of Bom. XI
of 1947.

3. In the Bombay Act, section 9 shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered,

(1) for the words, "the prescribed qualifications to preside over such Courts", the words, brackets and figure "the qualifications specified in sub-section (2) to preside over such Courts" shall be substituted;

(2) for the proviso, the following sub-section shall be substituted, namely:—

"(2) A person shall not be qualified for appointment as the Presiding Officer of a Labour Court unless,—

(a) he has practised as an advocate or a pleader for not less than three years in the High Court or any court subordinate thereto, or in any Labour Court, Industrial Court or Tribunal established in the State under this Act or the Industrial Disputes Act, 1947 or any law corresponding to any such Act, for the time being in force in the State; or

(b) he has regularly appeared as a member of a trade union for not less than seven years in proceedings before any such Labour Court, Industrial Court or Tribunal and holds a degree in law of a University established by law in any part of India, or

(c) he holds a degree in law of a University established by law in any part of India and has held an office not lower in rank than that of a Registrar of a Labour Court or an Industrial Court or of an Assistant Commissioner of Labour under the State Government, for not less than five years."

XIV of
1947.

Amendment
of section 2
of Act No.
XIV of 1947.

4. In the Industrial Disputes Act, 1947 in its application to the State of Gujarat (hereinafter referred to as "the Central Act"), in section 2, in clause (5), in sub-clause (iv), for the words "five hundred" the words "one thousand six hundred" shall be substituted.

Amendment
of section 7A
of Act No.
XIV of 1947.

5. In the Central Act, in section 7A, in sub-section (3), after clause (c), the following clause shall be added, namely:—

"(d) he holds a degree in law of a University established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner of Labour under the State Government for not less than ten years."