



The Industrial Disputes (Bombay Provision for Uniformity) Act, 1959

Act 16 of 1959

Keyword(s):

Central Act Amendment, The Industrial Disputes Act, 1947

Amendments appended: 2 of 1963, 22 of 1976, 22 of 1981, 3 of 1982

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**THE INDUSTRIAL DISPUTES (BOMBAY PROVISION FOR UNIFORMITY)
ACT, 1959.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Uniformity of Industrial Disputes Act, 1947, throughout State.
3. Saving.

BOMBAY ACT No. XVI OF 1959.¹

[THE INDUSTRIAL DISPUTES (BOMBAY PROVISION FOR UNIFORMITY)
ACT, 1959.]

[26th March 1959]

An Act to provide for uniformity in the application of the Industrial Disputes Act, 1947, in the State of Bombay.

XIV of 1947. **WHEREAS** the Industrial Disputes Act, 1947, in its application to the Saurashtra area of the State of Bombay has been amended by the Industrial Disputes (Saurashtra Amendment) Act, 1953, and the Industrial Disputes and the Industrial Disputes (Appellate Tribunal) (Saurashtra Amendment) Act, 1955;

Sau. Act XLI of 1953.

Sau. Act XXV. III of 1955.

XIV of 1947. **AND WHEREAS** the Industrial Disputes Act, 1947, in its application to the other areas of the State of Bombay has not been amended;

XIV of 1947. **AND WHEREAS** it is expedient to provide for uniformity in the application of the Industrial Disputes Act, 1947, throughout the State of Bombay; and for that purpose to repeal the amendments made by the Industrial Disputes (Saurashtra Amendment) Act, 1953 and the Industrial Disputes and the Industrial Disputes (Appellate Tribunal) (Saurashtra Amendment) Act, 1955; It is hereby enacted in the Tenth Year of the Republic of India as follows:—

Sau. Act XXV. III of 1955.

1. This Act may be called the Industrial Disputes (Bombay Provision for Short title. Uniformity) Act, 1959.

XIV of 1947. **2.** For the purpose of providing for uniformity in the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as "the principal Act"); in its application throughout the State, all the amendments made in the principal Act by the Industrial Disputes (Saurashtra Amendment) Act, 1953, and the Industrial Disputes and the Industrial Disputes (Appellate Tribunal) (Saurashtra Amendment) Act, 1955 (hereinafter referred to as "the said amending Acts") and in force at the commencement of this Act in the Saurashtra area of the State of Bombay, shall cease to have effect and shall stand repealed; and the principal Act shall be in force in the said area as if the said amending Acts had not been passed.

Sau. Act XLI of 1953. Sau. Act XXV. III of 1955.

Uniformity of Industrial Disputes Act, 1947, throughout State.

3. Nothing contained in section 2 shall affect,—

- (a) any right, privilege, obligation or liability acquired, accrued or incurred before the date of the coming into force of this Act; or
- (b) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date; or
- (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Saving.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1958, Pt. V pages 624-625.

**THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT)
ACT, 1962.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 7A of Act XIV of 1947.
3. Amendment of First Schedule to Act XIV of 1947.

MAHARASHTRA ACT No. II OF 1963.¹

[THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT) ACT, 1962.]

[4th January 1963]

An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Maharashtra.

XIV WHEREAS, it is expedient further to amend the Industrial Disputes Act, 1947, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirteenth Year of the Republic of India as follows :—

1. This Act may be called the Industrial Disputes (Maharashtra Amendment) Short title Act, 1962.

XIV 2. In section 7A of the Industrial Disputes Act, 1947, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in sub-section (3), in clause (a), after the words "a Judge of a High Court" the following shall be inserted, namely :—

"or a District Judge or a person qualified for appointment as a Judge of a High Court".

3. In the First Schedule to the principal Act, the following shall be added at the end, namely :—

" 11. Oxygen and Acetylene.

12. Mineral oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like.

13. Vaccines.

14. Sera.

15. Antibiotics.

16. Catgut."

Amendment
of First
Schedule to
Act XIV
1947

¹ For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1962, Part V, page 319.

**THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT)
ACT, 1976.**

CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 7 of Act XIV of 1947.
3. Amendment of section 7A of Act XIV of 1947.

MAHARASHTRA ACT No. XXII OF 1976¹

[THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT) ACT, 1976.]

[26th May 1976]

An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Maharashtra.

XIV WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947, of in its application to the State of Maharashtra, for the purposes hereinafter appearing; 1947. It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Industrial Disputes (Maharashtra Amendment) Act, 1976. Short title.

XIV 2. In section 7 of the Industrial Disputes Act, 1947 (hereinafter referred to as "the principal Act"), in sub-section (3), after clause (d-2), the following new clause shall be inserted, namely :— Amendment of section 7 of Act XIV of 1947.

"(d-3) 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 five years ; or "

3. In section 7A of the principal Act, in sub-section (3), after clause (c), the following new clause shall be inserted, namely :— Amendment of section 7A of Act XIV of 1947.

"(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. "

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part V, page 104.

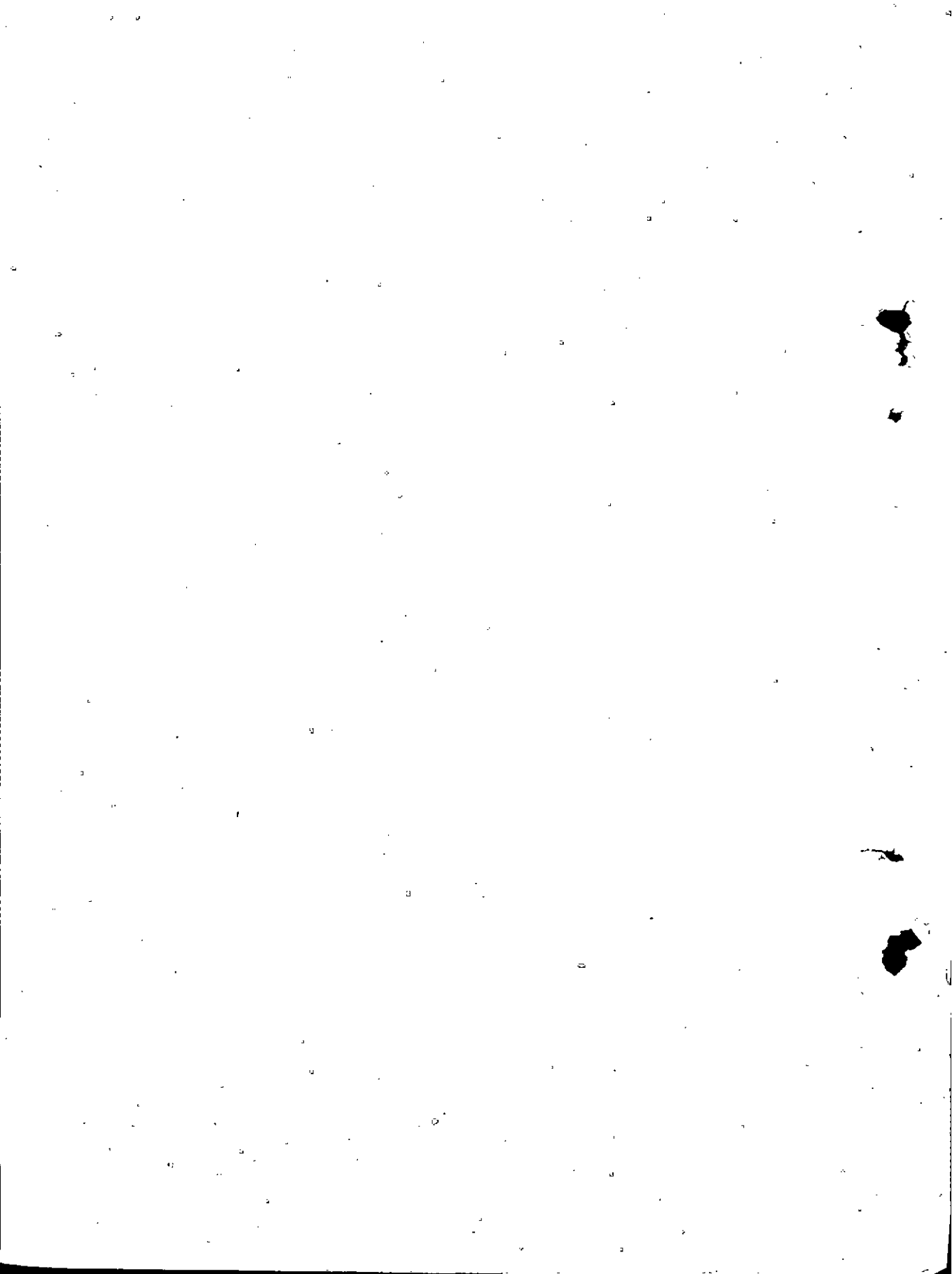
**THE INDUSTRIAL DISPUTES AND THE MAHARASHTRA
UNEMPLOYMENT ALLOWANCE PAYMENT TO WORKMEN
IN FACTORIES (FOR TEMPORARY PERIOD)
(AMENDMENT) ACT, 1981**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 2 of Act XIV of 1947.
3. Amendment of section 25C of Act XIV of 1947.
4. Amendment of section 3 of Mah. XIV of 1976.



MAHARASHTRA ACT No. XXII OF 1981.¹

[THE INDUSTRIAL DISPUTES AND THE MAHARASHTRA UNEMPLOYMENT ALLOWANCE
PAYMENT TO WORKMEN IN FACTORIES (FOR TEMPORARY PERIOD) (AMENDMENT)
ACT, 1981.]

[This Act received the assent of the President of 25th April 1981; assent was first published
in the *Maharashtra Government Gazette*, Part IV, on 2nd May 1981.]

**An Act to amend the Industrial Disputes Act, 1947 and the Maharashtra Unemployment
Allowance Payment to Workmen in Factories (for Temporary Period) Act, 1976.**

XIV of 1947. Mah. Allowance Payment to Workmen in Factories (for Temporary Period) Act, 1976, XIV of 1976. **WHEREAS**, it is expedient to amend the Industrial Disputes Act, 1947, in its application to the State of Maharashtra and the Maharashtra Unemployment Allowance Payment to Workmen in Factories (for Temporary Period) Act, 1976, for the purposes hereinafter appearing: It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. - (1) This Act may be called the Industrial Disputes and the Maharashtra Unemployment Allowance Payment to Workmen in Factories (for Temporary Period) (Amendment) Act, 1981. 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.

XIV of 1947. **2.** In the Industrial Disputes Act, 1947, in its application to the State of Maharashtra (hereinafter referred to as "the Industrial Disputes Act"), in section 2, in clause (kkk), after the words "the breakdown of machinery", the following shall be inserted, namely:— Amendment of section 2 of Act XIV of 1947.

"or on account of discontinuance or reduction of the supply of power to the industrial establishment for contravention of any provisions of the Bombay Electricity (Special Powers) Act, 1946, or of any orders or directions issued thereunder". Bom. XX of 1946.

3. In section 25C of the Industrial Disputes Act,—

(a) after the words "had he not been so laid off:" the following proviso shall be inserted, namely:— Amendment of Section 25C of Act XIV of 1947.

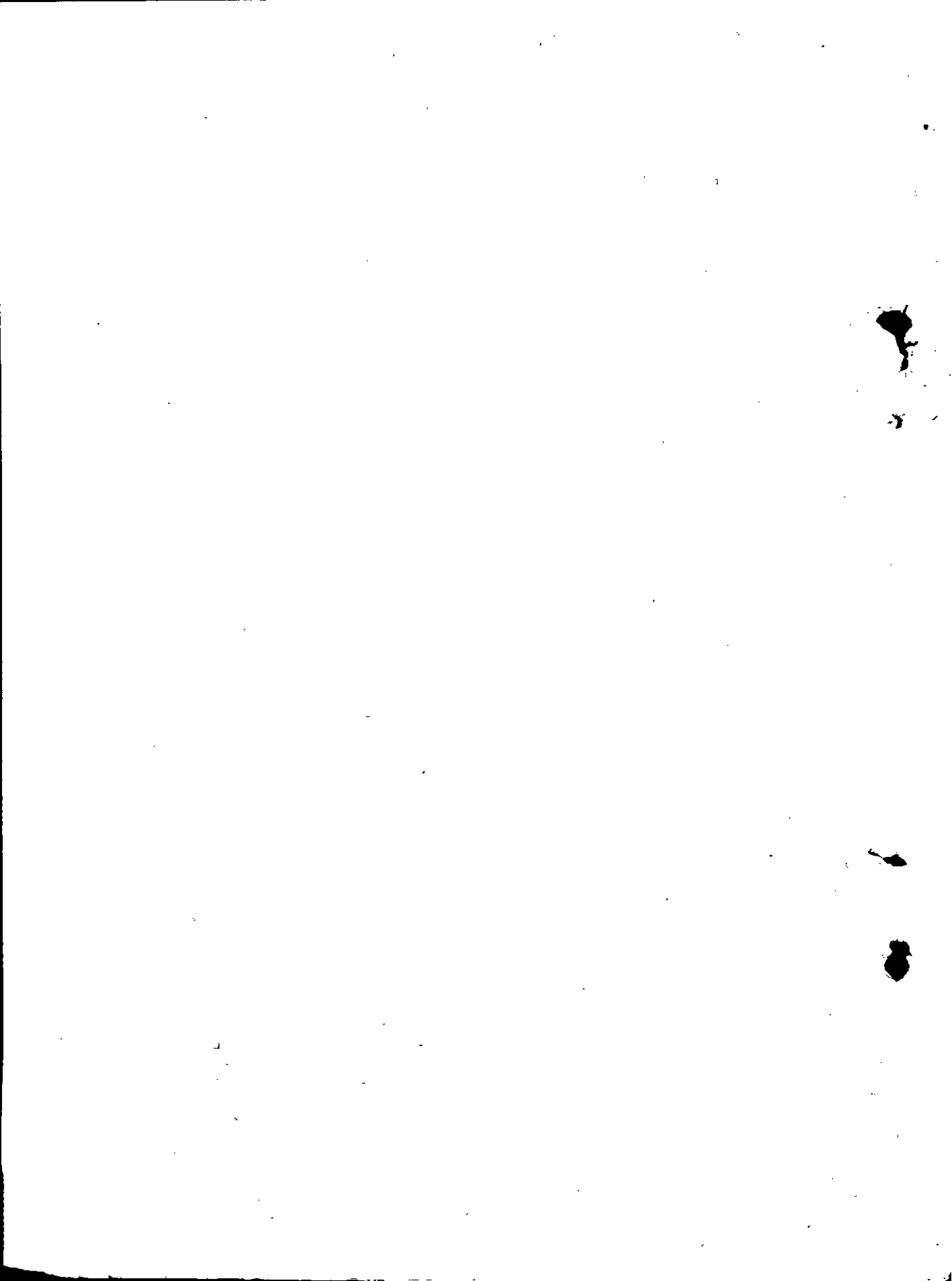
"Provided that, where the lay off is on account of discontinuance or reduction of the supply of power to the industrial establishment for contravention of any provisions of the Bombay Electricity (Special Powers) Act, 1946, or of any orders or directions issued thereunder, the compensation payable to the workman shall be equal to hundred per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:—"; Bom. XX of 1946.

(b) in the existing first proviso, for the words "Provided that" the words "Provided further that" shall be substituted;

(c) in the existing second proviso, for the words "Provided further that" the words "Provided also that" shall be substituted.

4. [Amendment has been carried out in the Maharashtra Unemployment Allowance Payment to Workmen in Factories (for Temporary Period) Act, 1976.] Amendment of section 3 of Mah. XIV of 1976.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, page 67.



**THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT)
ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 25K of Act XIV of 1947.
3. Substitution of section 25-O of Act XIV of 1947.
4. Substitution of section 25R of Act XIV of 1947.
5. Repeal and Saving.

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MAHARASHTRA ACT No. III OF 1982.¹

[THE INDUSTRIAL DISPUTES (MAHARASHTRA AMENDMENT) ACT, 1981.]

This Act received assent of the President on the 8th January 1982 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on 8th January 1982).

An Act further to amend the Industrial Disputes Act, 1947, in its application to the State of Maharashtra

WHEREAS both Houses of the State Legislature were not in session ;

XIV
of AND WHEREAS the Governor of Maharashtra was satisfied that circum-
1947 stances existed which rendered it necessary for him to take immediate action
Mah. further to amend the Industrial Disputes Act, 1947, in its application to the
Ord. State of Maharashtra, for the purposes hereinafter appearing and therefore
XVI of promulgated the Industrial Disputes (Maharashtra Amendment) Ordinance, 1981,
1981. on the 27th October 1981 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Maharashtra Amendment) Act, 1981.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 27th October 1981.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, dated 26th November 1981, at p. 635.

Amendment of section 25K of Act XIV of 1947. **2.** In the Industrial Disputes Act, 1947, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in section 25K, after sub-section (I), the following sub-section shall be inserted, namely :—

“(1A) Without prejudice to the provisions of sub-section (I), the appropriate Government may, from time to time, by notification in the *Official Gazette*, apply the provisions of section 25-O and section 25-R in so far as it relates to contravention of sub-section (I) or (2) of section 25-O, also 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.”

Substitution of section 25-O of Act XIV of 1947. **3.** In the principal Act, for section 25-O, the following section shall be substituted, namely :—

Application to be made or obtaining permission to close down any undertaking ninety days before closure. “25-O. (I) An employer, who intends to close down an undertaking of an industrial establishment to which this Chapter applies, shall submit, for permission, at least ninety days before the date on which the intended closure is to become effective, an application, in the prescribed manner, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking. A copy of such application shall be served by the employer simultaneously on the representatives of the workmen in the prescribed manner :

Provided that, nothing in this section shall apply to an undertaking set up for the construction of building, bridge, roads, canals, dams, or other construction works.

(2) On receipt of an application under sub-section (I), the appropriate Government, after holding such inquiry as it deems fit, and after giving a reasonable opportunity of being heard to the applicant and the representatives of the workmen, may, for the reasons to be recorded in writing, by order grant the permission for closure, or if it is satisfied that the reasons given for the intended closure of the undertaking are not adequate and sufficient, or are not urged in good faith or are grossly unfair or unjust, and in any case such closure would be prejudicial to the interests of the general public, it may, for the reasons to be recorded in writing, by order refuse to grant the permission and direct the employer not to close such undertaking. A copy of any decision given by the appropriate Government under this sub-section shall be sent by it simultaneously to the representatives of the workmen.

(3) Where an application for permission has been made under sub-section (I), and the appropriate Government does not communicate the refusal to grant the permission to the employer, within a period of sixty days from the date of receipt of the application by it, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) Any employer or any workman affected by any order made under sub-section (2) or any workman affected by the permission deemed to be granted under sub-section (3), may, within thirty days from the date of the order or from the date from which the permission is deemed to be granted, as the case may be, prefer an appeal to such Industrial Tribunal as may be specified by the appropriate Government by Notification in the *Official Gazette* for such area or areas or for the whole State, as may be specified therein. The Industrial Tribunal shall, after holding such inquiry as it deems fit, as far as possible within thirty days from the date of filing the appeal, pass an order, either affirming or setting aside the order of the appropriate Government or the permission deemed to be granted, as the case may be.

(5) Any order made by the appropriate Government under sub-section (2) or any permission deemed to be granted under sub-section (3), subject to an appeal to the Industrial Tribunal, and any order made by the Industrial Tribunal in such appeal, shall be final and binding on all the parties concerned.

(6) Any order refusing to grant permission for closure made by the appropriate Government under sub-section (2) shall remain in force for a period of one year from the date of such order, unless it is set aside earlier by the Industrial Tribunal in appeal.

(7) When no application for permission under sub-section (1) is made, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure, and the workman shall be entitled to all the benefits under any law for the time being in force, as if no notice had been given to him.

(8) Notwithstanding anything contained in sub-section (1), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(9) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman in the said undertaking, who has been in continuous service for not less than one year in that undertaking immediately before the date of application for permission under this section, shall be entitled to notice and compensation as specified in section 25N, as if the said workman has been retrenched under that section.”

4. For section 25R of the principal Act, the following section shall be substituted, namely:—

Substitution
of section
25R of Act
XIV of 1947.

“25R. (1) Any employer who closes down an undertaking without complying with the provisions of sub-section (1) of section 25-O shall, on conviction be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Penalty for
closure.

(2) Any employer who contravenes a direction given under sub-section (2) of section 25-O or section 25P shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.”

Repeal and
Saving.

5. (1) The Industrial Disputes (Maharashtra Amendment) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued or any rule made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, issued or made, as the case may be, under the principal Act, as amended by this Act.

Mah.
Ord.
XVI
of
1981.