

BOMBAY INDUSTRIAL RELATIONS (GUJARAT EXTENSION AND AMENDMENT) ACT, 1961

N03B-7551 Cbt \$uiarat \$obtrnmtnt Ga)ttte EXTRAORDINARY BY AUTHORITY 11] WEDNESDAY, MAY 17, 1961 VAISAKHA 27, 1883 is given to this Part in order that it -may be flied a npatate compilaåon

PART IV the Legislatum and Ordinance Regulations made by the Governor. PAGES GUJARAT XX OF Acts to amend the Bombaylüdustrial 60-61 Act* 1946 nd to the Saurasb#a and Kuteh areas et Gujarat The following Act of the Gujarat Legislature having been asented to by the President on the 6th May 1961. is hereby published for general in. formation. AKBAR sg SARELA, Secretary to the Government of Gujarat* Legal Department* GUJARAT ACT No. XX OF (First- published* after having received the assent of the Pregident in the Gujarat Government Gazette " on the 17th May 1961). 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 I. This Acti may be 'called the Bombay Industrial Relations (Gujarat Extension and Amendment) Aet, 1961. 60 (Mono GUJ* MAY 1961/VAISAKHA 27, 1883 PART IV Extension of The Bomba;v Industrial Relations Aetz 1946 as in force in the Bombay Bom, Bom. XI of area of the State of immediately before the commencement of Xi Of 1947 this Act* is hereby extended to the: Saurashtra and Kutch oreas of the State and Kutch Of Of areas State of Gujerat* Amendment Oln section 2 of the Bombay Industrial Relations Act. *1946 as extended Of section 2 bv seeFon e (referred to as the. prinoipal Act of XI (a) for sutrsection (1), the following shall be substituted* namely . (1) This Act ex%ends to the whole of the State of Gujarat' (b) sub-secie (2} shall be renumbered as clause (0) of that sub-section 1947* and aat:er use (a) ag so renumbered the following clause shall be inserted* namelv (b)' In those arens of the State of Gujarat to which it is extended bv the Bombay Industrial Relations (Gujarat Exten*ion and Amend- XX:) State Government mav by notification in the Official Gazette- specify: Amendment In section 5 of the principal Act, in gubssec{ion. for the words Of 5 Bombay area of the State of Gujarat* the words State of Gujarat of Bom. X1 shall Abe substituted, of 1947. Amendment 5a In section. 6 of then principal Acti in subsection for the words Of 6 " Bombay area of the State of Gujarat" the words " State-of Gujarat of Bom. XC shall be substituted* of 1947. -Amendment In section 86A of the principal' for the words G' Bombay areo of of. section the. State Of Gujarat bhe words " State of Gujarat " shall be substituted. 86A of Rome In section SUL of the principal in sub-section, foe the words: Amendment of section " Bombay area of the State of, (esujarat " words ""+öte, of Gujarat 86b of shall be subetituted* Insertion, of After section -the principal Act,, the following new section shall section 120A be inserted\$ namelv in Provisions of Act of be affected* Amendment 120AF Nothing this Act sht€*ll affect any of the provisions of the Invclustjriol Disnutes Act, 1947* and no proceeding shall be held under this Act relating to any matter or Giepute which has been referred to and is pending before a, Uourt for inquiry, a Labour Courti or a Tribunal 9* In section. 123 •uf the principal Acts, after sub-section (3)R \$he following of section sub.ection shall be added* 129 of Bom. (4) All rules made under thiss section shall be laid for not less. than thirty days before the State Legislature as soon as may be after they are mtide and shall be subject to such modifications as the State Legislature make during the session in which they are so laid or the session immediately following, PART GILL GDVT. EX.. FEB. 28, 1962/PHALGUNA 9, 1883 ' _l'he followino hcen asse.nted to bv tho .vaislature havinqr 21st February is hereby published {'01' general informration. President on tho M. e. MONANFJ Secretary to the Governnnt of Gujarat, eoal Departnnt. GUJARAT ACT NO. OF 1962. (First aller rcc:iccd the as*gent lhe President •in the 'Gujarat "l (•:uultc" C.H. the 28th An Act. further f-.*J the Industrial Relations Act, 1946. It is hereljy cnptcl'l in the l'wc:lftth Year of the Republic of India as follows:—•• (1.) fl"lti3 Acct

1. Amen(hnent) Acq, 1061.t.he Boznbay Industrial Relations (Gujarat Short titla and com- rnencement. (2) It shall c.orno into forc.e on such. dato ag t.he St•.ate Governvnt may, by notific..üii ion in the. (-;cz€l X1 of referrer (i) for e.lause Relations Act, 1946 (hereinafter Indust rial of eccfion of Bom. of 1947. l,he following shall bc ituted, namely:— an v (including an appl'entice) onployed In industry to an y skiile•d or manual, supervisory, t.cchnical or 'tvr.n•k express {he lei ni8 of anpl(.) Fit, be in chides the execution of any work in respect of In of an. undertaking is an within the Inc.aning hvllieh the. ner ot (c)

of clause (14), a person who has been or discharged from employment, on account or any dispute relating to a change in respect of which a notice is given under section 42 whether before or after given an opportunity of being heard; but (does not include a person who is employed in the police service or as an officer or other employee of a prison, who being employed primarily in a managerial, administrative or supervisory capacity draws basic pay (excluding allowances) exceeding five hundred rupees per month, and irrespective of the pay draw any other person or class of person employed in any specified in clause (it') or in a technical capacity, Government may, by notification in the Official Gazette, specify in this behalf; and GUJ. GOVT. GAZ., EX., FEB. 28, 1962 [PART IV in clause (14), for sub-clause (e), the following shall be substituted, namely: (c) where the owner of any undertaking in the course of or for the purpose of conducting the undertaking 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;" in clause (38A) for the figures and letter '86K' the figure 8 and letters '86K' shall be substituted. 3. • In section 10 of the principal Act, in sub-section (4), after the words "or Amendment of Section 10 is eligible for being appointed 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 of 1941. proviso, the following further proviso shall be inserted, 'Provide 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.' 4. In section 14 of the principal Act, for the third proviso the following shall Amendment of section 14 be substituted, namely: • of Bombay. "Thirdly, that 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 month shall not be considered by the Registrar until the applications made in the earlier calendar month are disposed of by him; (ii) where union fulfilling the conditions necessary for registration makes an application during any calendar month 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 5. To sub-section (3) of section 16 of the principal Act, the words "and issue Amendment of section 16 of registration in such form as may be prescribed" shall be added at the end of Bombay. XI end. of 1947. PART GUJ. GOVT. GAZ., EX., FEB. 28, 1962/PART IV 9, 1962 6. In section 23 of the principal Act, (1) in sub-section (1) (i) for clause (v) the following shall be substituted, namely: • Amendment of section 23 of Bombay. (v) every industrial dispute in which a settlement is not reached by conciliation shall be offered to be submitted to arbitration or for reference to a Wage Board as may be mutually agreed upon and that of the Industrial Court under Chapter XI shall not be refused by it. (ii) (Z) to sub-section (3), the following proviso shall be added, namely: 'Provided that where two or more satisfy 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 whole of the period of three calendar months immediately preceding that in which the applications were made shall be entered in the approved list and made in subsequent calendar month shall not be considered by the Registrar until the applications made in the earlier calendar month are disposed of by him. Provided further that where a union satisfying the conditions necessary for being entered in the approved list for being so entered in the approved list applies 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 in which the application was made as also in the calendar month immediately preceding it was respectively larger than that of the approved unions in those months. The provisions of sub-section (3) shall notwithstanding apply to such application," 7. In section 23A of the principal Act, for the words "shall be" Amendment of section 23A the "shall continue to have all the rights and

privi- the approved union' af leges of an approved union in respect of its rmembers3' shall ba substituted. xr of 8. In section 24 of the principal Act* in cla.uso (ii) the word 'for'* shall be added Amendmont of section 24 at the end and after clause (i.i.) the following shall bc inserted, namely 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 bo illegal." Insertion of new ecction 24A in Bom. X: of 1047. Appeal to Industrial Coort from order of Rogi8trar. Amendment 166 GUJ. GOVT. GAZ., F,x., FEB. 28, 9 1883 of the principal Act* i.he new ecct.ion shall be ill* 9. ACter sftction sertcd, nunely : part.y to a proceeding boforo the rn•av, v.'ithin 30 (1) Any rar this Chapter; days fir.-nn tho (late. of an order passed by Thr R appeal against suc.h order to the Indust rial Court: reason adl!lit all v appeal 1) rovided that, the. Industrial Court for su ffic.ien mado after the Q.xpiry of such period. 20 *hall apply (?) The. provisions of sub-seeliful.i and (3) section fnutat.is rnutandis to an appeal under this IO. In section 25 of the of section 25 shall bc inserted, narnelv of Bom. XL of 1947. Amendment of aection 27 of Bom. of 1947. Insertion of new section in 27B Roto. xr of Continuar,ce of recogni- tion of association of employers for Ioca* arca. principal Ac!, (c), the following clause a (rainst an cruployee (d) to reinain present (luring depart •nenlal who is a illenlber ot' that. uni0VL. In section 27 of the Iül 11. in clause (a) ot' su enil)loyers in an industry" tho h'.rords anv karal au v ('1.3111 hina(ion of l?-scted; after sub-section (3), the following sub-sections 11 be. insert e d, : (it) e n repre- gented by an a submissi']ll 01' a ward to whlell association a v, Sha. Le bindinø on such enil)loye.r. of t.he of' sub-set-•i-ion (?) an ncuc:iation (5) \Where in pursuance, of enlijlovts's a. at. t.he eavht•st of the 'l.vhonl it is held a list. it v before 12. After section 27 A o? the principal Act, the: f0110kIVing nev. • section shall be inserted, namely • "27B. Notwithstanding anyt.hing cont.flinerl in this Act, on any alteration 111 a.ny local area areas anv associat ion elliEI sub-sect Ion (I) of section 27 for the. local area or areas bc entitled to robl'e.sent•. t.hc enn the provisions of shall be, the case Ina y sub-section (2) of that, section in the altered loce,l be, for a period of t.ivelve Inonths t'l'01n the (late on a Iteration is olTected." PART GUJ. GOVT. FEB. 28, 188.3 167 13. In Bection 64 of the principal Act, (i) in clauge (a), in sub-clause (ii) -after the words and figures "gection 72 Amendment Of Rection 64 or 73" tho words* figures and letter "or referred for decision under gection 86C of Bom. X1 Bhall be inserted. of 1947. in Clauso (b), in sub-clause (•ii) after the words, figures and letter "section 72, 73 or 7'3A*" the words, figures and letter "or referred for decision under section 86C or 86CC" shall be inserted

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

15. Section 85 of the principal Act Bhall be renumbered as sub-section (1) of of gection that gection and after the Bub-section so renumbered, the following sub-section 85 of Bom.8ball be inserted, namely X1 of 1947. (2) The Industrial Court may, bo order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court and tranafcr it for disposal to another Labour Court which may, gubject to any special directions in the order of transfem proceed in the matter either de noeo or from tho stage at which it ig 80 transferred

16. In Chapter XII of the principal Act, after section 86, the following new Of new section goction shall be inserted} namely 8fiA in Bom.xr of 1047. ' '861. A Labour Court shall havé tho power to direct by whom the whole Powet to award caste. or any part of the costs of any proceeding before it shall be paid Provided that, no Bitch costs shall be directed to be paid for the servicæ of any legal adviser engaged by any party. (2) The provisions of sectiön 93 shall apply to an order made under thie section in the game manner as they apply to an order of the Industrial Court." 17. Section 86Å of the principal Act 8hall bo renumbered ae section 86AA. ing of tiot 86 A as section S6AA 18. In gection 87 bf the principal Act, in clause (a) — Amendment of section 87 the figures, of Bom. XI (i) in subclause (i), for the figure' and word "20 or 44" of 1947. letter oud word "20,24A or 44" 8h811 be substituted ; and (ii) after gub-clausc (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 ' 'B place of residence or Amendment of B\$ction 93 'buÅiné.ss5' the Wöfdg " or where such place is within the City of Ahmedabad before of Bom. X1 the Court of Small Causes of Ahmedabad" Bhall be in8erted. of 19M. IV--Extra--23 (Mono) Ahlcndrncnt 107 of Bom. X1 of 1947. A nnend[ncnt or æction Bom. X I of 1947. Inscrt ion of new Bection Bom, X1 of Construction and inter- pretRtion of Bwurdk. A mend ment af- sektion of Bom. X1 of 1017. Amendment of •ection of Bom. of 1947. Deletion Df gection 121 of Bom. X1 of 1947.

Insertion of new section 124 in Born, Delogntion of påwen. .4mendrnent• 'of .ß"hedule to Bom. of 1947. 168 GUJ, GOVT GAZ., EX., FEB. 28, 1883 [PART 20. In section 107 of the principal Act, after the words "who acts in contra, the words, brackets and figures f 'a model standing order notified and vention of shall be inserted. in operation under sub-section (5) of section 35 of In section 114 of the principal Act, in sub-section (2), after the words 21. "in that local area" the words "and with effect from such date", shall be inserted. 22. *Mter section 115A of the principal Act, the following section shall be inserted' namely : 115B. Where any question arises regarding the construction or interpretation of any award, any employer or employee on whom such award is binding may : 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 Inade 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 awârd is binding.)' 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 with. drawn by it by a subsequent notice given in writing in the prescribed manner before the expiry of two calendar months from the date on ivhic.h 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." 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." 25. Section 121 of the principal Act shall be deleted

26. After section 123 of the principal Act, the following _new section shall be in- gerted, 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 8ball, in relation to such •matters and subject to Buch conditions, if a'ny, as ma.y be specified in the direction, be exercisable also by Buch ofhcer or authority Bübordinate to it as may be epeeified in -the notification." 27. In Schedule III to the principal Act in item (5), the word ghall be deleted. Extra No, 23 REGISTERED No. G448 vol. Cbe Gujarat Cobttment gaiette EXTRAORDINARY PUBLISHED BY AUTHORITY THURSDAY, DECEMBER 8, 1966/AGRAHAYANA 17, 1888 Separate Paging to this part in order that it may be med as a separate compilation PART IV Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Govemor. 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 Govemment 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-8bert ment) Act, 1966

2. In section 3 of the Bombay Industrial Relations Act, 1946 (hereinafter of sootion referred to as "the principal Act"),—8 of Bom. 74 IV-Extra-28 (Lino) 75 Amendment of eotion 13 of Bom. X1 of 1947. Amendment of *0tion 10 of Bom. X1 of 1947. GUJ. aovr. EX., DECEMBER 1966/AGRAHAYANA 17, 1888 tram IV (a) in clause (13), in sub-clause (b), for the words "dismissed or discharged from employment" the words "dismissed, discharged or retrenched from employ- ment 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), (1) after the words "any area" the brackets and words "(including the entire State)" (ii) "or (c) in shall be shall be inserted; and the following shall be added at the end, namely : for different clause (25), substituted; (d) in clause (31), Registrar, and" shall (e) in clause (39), tituted* namely : industries;"; for the words "two annas" the words "twenty-five paisem after the words "and includes" the words "an Additional be inserted; for sub-clause (YD* the following sub-clause shall be subs- "(VD gratuity payable, if any."

3. In section 13 of the principal Act, (a) in sub-section for the words 'Snot 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, it 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." 4. In section 16 of the principal Act in sub-section (I), "the Registrar shall" the words "if a period of two years (D after the words date of registration. of the registered union?" shall be has elapsed since the inserted', following proviso shall be added, namely : — (iO at the end, the .PWRT GUJ. GOVT. GAZ., EX., DECEMBER 8, IQ66/AGRAHAYANA 1888 76 ' 'Provided that the Rogistrar shall not entertain any application for. regis- tration of a union, unless a period of one year has elapsed since the date of disposal of the previous application of the union." . S. In section 20 of the principal Act, in the marginal note thereto, the words Amendment -•".cancelling registration" shall be deleted. In section 23 of the principal&--Act, (a) in sub-section (D in clause for the words "four annas" the words "fifty paise" Ibe substituted: (ii) for clause/ (v), the following shall be substituted* namcty : of section 20 of Bom. X1 Gf 1947. Ameidmen•t of section 23 bf Bom. of 1947. shall "(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 tinie 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 X I, 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 substi• •tuted•, (c) in sub-section (4), (1) after the words "such industry" the words ' 'in that local area" . be inserted; the following proviso shall be added at the end, namely : "Provided that the Registrar shall not entertain— shall (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 ot its previous application by the Registrar."

7. In section 21 of the principal ACT, in subsection (I), ih clause (a), after Amendment of aectioo the words "hl the industry" at the -end; the words- "in- th-ai local area" shali be 27 of Bom.inserted. X1 of GUJ. GOVT. GAZ.. EX., DECEMBER 8, 19061AGRAHAYANA 17, 1888 IV Subbstitution 8. For section of *0tion 08 in Bom. xlnamely 68 of in the the principal Act, the following shall be substituted, of 1947. Non-spplio- tion of Arbi• tration Act, 1940. Insertion of "68. Nothing this Chapter."

9. After section 73 of Arbitration Act* 1940 shall apply to arbitrations under X ot ' 1940* the principal Act, the following new section shall be new section inserted* namely ; 73AA in Bom, X1 of 1947.Power of State Govern- ment to in. Clude other undertakings in references to Labour or Industrial Court. Amendment "73AA. Where an industrial dispute concerning any undertaking in an indu- stry or section thereof has been or is to be referred to a Labour Court or Indus- trial 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 undertaking - of a similar nature in that industry or any section thereof is likely to be interes- ted in or affected by such disputes 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 under. takings 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 under• - takings or section thereof."

10. In section 75 of the principal Act, for the words "The award shall" the Of section 75 of words, figures and letters "Except as provided in section 118B, the award shall" 1947,shall be substituted. of 11. In section 79 of the principal Act, in sub-section (4), for the words "three Amendment of section 79 of Bom. months" wherever they occur the words "six months" shall be substituted. X1 of 1947* 12. In section 94 of the principal Act, for clause (a), the following shall be Amondment of section 94 of Bom. substituted, namely : — X1 of 1947. "(a) all parties to the industrial dispute;" . Amendment 13. In section 95 of the principal Act, in sub-section (J), after the words "a of scot.ion 95 of Bom. registered union" the words "or a representative of employees" shall be inserted. xr of 1047

14. In section 100 of the principal Act, after sub-section (3), the following Amendment of section of Bom.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 ot the Court? of Enquiry in such shall be in accordance with the decision of the. Industrial Court on such point"

PART IS. After section 118A of the be inserted, namely . GUJ. GOVT. GAZ.. EX., DECEMBER 8, IOGGIAGRAHAYANA 17, nsss principal Act, "118B. (1) Where in any proceeding before the following

new section shall of new Ectien '18B in Bom. Xx of 1947. the Industrial Court or a Labour Consequence* of non-appea. Court, if either party in spite of notice of hearing having been duly served on of rance it, does not appear when the matter is called on for hearing, the Court may parties, 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. (2) Where any award, order or decision is made ex-parlc under sRb-section (1), the aggrieved party may, within thirty days of the receipt of a copy thereof, make an app}ication 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 applica'tion as aforesaid unless • notice thereof has been served on the opposite party."

16. For section 121 of the principal Act, the following shall be namely : "121. The m)mbay 'Trade Disputes Conciliation Act, 1934 repealed."

17. In section 123 of the principal Act* in sub-section (2), substiuted SUBgtitution ' of æctiea of Bom.X1 of 1947. • is hereby Roepal of 1934. (O in clause after the iVords, brackets and figure "sub.section (I)" words, brackets and figure "the form •of certificate of registration under Bom. IX of 1934. Amendient. of section 129 of Bom. X1 of 1947. the sub- and section (3)" shall be inserted; (iD in clause for the figures and word "Ill and I V" the word "Ill, IV and V" shall be substituted

18. In section 124 of the principal Act, the words "subordinate be deleted.PRINTED AT GOVERNMENT CENTRAL PRESS. AHMEDABAD. figures Amendment to it" shall of Notion 124 of 1947. Extn No. 20 Cbe vol. REGISTERED NO. G--44B Gujarat Cobernmtnt Ga"?tte EXTRAORDINARY PUBLISHED BY AUTHORITY SUNDAY, OCTOBER 6, 1968]ASVINA 14, 1890 Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV Act of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor, The fotlowing Act of (he Gujarat Legislature having been assented to by the President on the 5th October 1968 is hereby published for general information. SUWfANT 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 Industria} Relations Act, 1946. It is hereby enacted in the Nineteenth Year of the Republic of India as fol}ows: — 1. This Act may be called the Bombay Industrial Relations (Gujarat Amend- ment) Act, 1968. Bom

2. After sub-section (I) of section 97 of the Bombay Industrial Relations Act, 1946 the following sub-section shall be inserted, namely : "(IA) 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 tMiod 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 ot a Wage Board shall not be deemed to be illegal: fV-Extra-27-(Lino) SboÉ# tide.Amendment of section 97 of Bom. XI of 127 'GOVT. GM., ÉX--.OCTOBER 6, 1968/ASVINA u, 18901 Provided that such strike shall be to be illegal if— (D it is commenced without seven clear days' notice being given to the employer by the representative oi ömployees, or (it) it is commenced or continued after the employer has paid basic pay or deagneSs-4Bøwaiite due to the empldyees.". Repeal of Gluj. Ord. Z of 1903

3. The Bombay Industrial Relations (Gujarat AmendmsnLL\$Ordinance, 1968 Guj.Ord. is hereby repealed and the provisions of sections 7 and 25 tF4 Bombay General Clauses Act* 1904 shall •apply to such repeal as if that , Ördinance were an of 1968. enactment* Bom PRINTED AT TRB GOVERNMENT CENIRAL PRESS. AHMEDABAD. Extra-Nc. 22 6) Cbe Gujarat Cobtrnment -to. G-44 vol. EXTRAORDINARY PUBLISHED BY AUTH0Rrrr THURSDAY, OCTOBER 19, 1972!ASVINA 27, 1894 Separat{e paging is given to this Part in order that it may be filed as a separate compifatlon. PART Rom Acts of the Guiarat Legislature and Ordinanees 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 Departmene GUJARAT ACT No. 20 OF 1972. {First published* after having received the assent of

the President in the Government of India 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) This Act may be called the Bombay Industrial Relations (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. Amendment in the Bombay Industrial Relations Act, 1946 (hereinafter referred to as the principal Act), in section 27A, for the words and figures "sections 32 and 27-A of 1946" the words, figures and letter "sections 32, 33 and 33A" shall be substituted. XI IV-nxtm-30 (Liao) IDI aovT. OCTODGR 19, 27, (PART 3. In section 30 of the principal Act, for the words "The following shall be Amendment of section 30 of Bom. 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. A amendment of section 32 of Bom. XI of 1941. Amendment of section 33 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. S. 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 6. In the principal Act, after section 33, the following section shall be inserted* section 33A in Bom. XI namely : of 1947. Persons who may appear in proceeding in which there is dispute between employees and employers. (1) In any dispute between the employees and employers referred to arbitration of a Labour Court or the Industrial Court under section 72, any 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, 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 Amendment 7. In section 34 of the principal Act, in sub-section (6), in the proviso, in of section 34 clause (b), for the words "except at the request of the union" the words "except of Bom. XI after consultation with such union" shall be substituted. of AT THE GOVERNMENT CENTRAL PRESS, OANDWNAOU. Extra No. 12 c REGISTERED No. G/GNW2 Cbe Gujarat 60betnment Vol. XLVII EXTRAORDINARY PUBLISHED BY AUTHORITY MONDAY, MARCH 21, 2005/PHALGUNA 30, 1926 Separate paging is given to this Part in order that it may be filed as a Separate Compilation, PART 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 '3, 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. 12-1 Short title. 12-2 Amendment of section 2 of Bom. of GUJARAT GOVERNMENT GAZETTE, EX., 21-3-2005 [PART 2. In the Bombay Industrial Relations Act, 1946, in section 2, after sub-section (5), the following shall be added, namely:—(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 sector as if this Act had then been repealed in relation to the said industry in such area by the Gujarat Act." GOVERNMENT CENTRAL PRESS, GANDHINAGAR. Bom. XI of 1947. Bom. I of 1904.