

**Bombay Industrial Relations (Gujarat Amendment) Act,
1966**

22 of 1966

[08 December 1966]

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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. Short Title :-

This Act may be called the Bombay Industrial Relations (Gujarat
Amendment) Act, 1966.

2. Amendment Of Section 3 Of Bom. Xi Of 1947 :-

In section 3 of the Bombay Industrial Relations Act, 1946 (hereinafter referred to as "the principal Act"),-

(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."

3. Amendment Of Section 13 Of Bom. Ri Of 1947 :-

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."

4. Amendment Of Section 16 Of Bom. Ri Of 1947 :-

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. Amendment Of Section 20 Of Bom. Xi Of 1947 :-

In section 20 of the principal Act, in the marginal note thereto, the words "cancelling registration" shall be deleted.

6. Amendment Of Section 23 Of Bom. Xi Of 1947 :-

In section 23 of the principal Act,-

(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. Amendment Of Section 27 Of Bom. Xi Of 1947 :-

In section 27 of the principal Act, in sub-section (1), in clause (a), after the words "tot the industry" at the end, the words "in that local area" shall be inserted.

8. Substitution Of Section 68 In Bom. Xi Of 1947 :-

For section 68 of the principal Act, the following shall be substituted, namely:-

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

9. Insertion Of New Section 73Aa In Bom. Xi Of 1947 :-

After section 73 of the principal Act, the following new section shall be inserted, namely:-

"73AA. Power of State Government to include other undertakings in references to Labour or Industrial Court.--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."

10. Amendment Of Section 75 Of Bom. Xi Of 1947 :-

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.

11. Amendment Of Section 79 Of Bom. Xi Of 1947 :-

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.

12. Amendment Of Section 94 Of Bom. Xi Of 1947 :-

In section 94 of the principal Act, for clause (a), the following shall

be substituted, namely:-

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

13. Amendment Of Section 95 Of Bom. Xi Of 1947 :-

In section 95 of the principal Act, in sub-section (7), after the words "a registered union" the words "or a representative of employees" shall be inserted.

14. Amendment Of Section 100 Of Bom. Xi Of 1947 :-

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. Insertion Of New Section 118B In Bom. Xi Of 1947 :-

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

"118B. Consequences of non-appearance of parties.--

(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.

(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. Substitution Of Section 121 Of Bom. Xi Of 1947 :-

For section 121 of the principal Act, the following shall be

substituted, namely:-

"121. Repeal of Bom. IX of 1934.--The Bombay Trade Disputes Conciliation Act, 1934(Bom. IX of 1934) is hereby repealed.".

17. Amendment Of Section 123 Of Bom. XI Of 1947 :-

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

(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. Amendment Of Section 124 Of Bom. XI Of 1947 :-

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