



The Indian Trade Unions (Gujarat Amendment) Act, 1961

7 of 1962

Keyword(s):

Trade Union, Disputes, Industrial Court

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

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The following Act of 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. VII 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 Indian Trade Unions Act, 1926, in its application to the State of Gujarat.

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

Short title and comment. 1. (I) This Act may be called the Indian Trade Unions (Gujarat Amendment) Act, 1961.

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

Amendment of preamble to Act XVI of 1926. 2. In the preamble of the Indian Trade Unions Act, 1926 in its application to the State of Gujarat (hereinafter referred to as "the principal Act") before the words "It is hereby enacted as follows" the following shall be inserted, namely :—

"And whereas it is expedient to provide for deciding disputes relating to officers or members of the executives of Trade Unions and for certain other purposes hereinafter appearing;".

Amendment of section 2 of Act XVI of 1926. 3. In section 2 of the principal Act, after clause (a) the following clause shall be inserted, namely:—

"(aa) "Industrial Court" means the Industrial Court constituted under the Bombay Industrial Relations Act, 1946, as in force in the State of Gujarat;".

Amendment of section 6 of Act XVI of 1926. 4. In section 6 of the principal Act, after clause (f), the following shall be inserted, namely:—

"(ff) the termination of membership of the Trade Union of persons whose subscription is in arrears for a period exceeding six months or for such lesser period as may be provided in the rules ;".

Insertion of section 10A in Act XVI of 1926. 5. After section 10 of the principal Act, the following section shall be inserted, namely :—

"10A. (I) The rules of every Trade Union which was registered under this Act before the date of the commencement of the Indian Trade Unions (Gujarat Amendment) Act, 1961 and the certificate of registration of which is in force on that date shall provide for the matter specified in clause (ff) of section 6.

(2) If no provision as required by sub-section (I) is made in the rules of any existing registered Trade Union before the expiry of six months from the date mentioned in sub-section (I), the Registrar may cancel the certificate of registration of such Trade Union:—

Provided that not less than two months' notice in writing specifying the ground on which it is proposed to cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is cancelled."

Insertion of section 11A in Act XVI of 1926. 6. After section 11 of the principal Act, the following section shall be inserted, namely :—

"11A. (1) Notwithstanding anything contained in sub-section (1) of section 11, in the case of a Trade Union in relation to which the State Government is the appropriate Government, any person aggrieved by any refusal of the Registrar to register such Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the Industrial Court. The decision of the Industrial Court in such appeal shall be final.

Appeal to Industrial Court in certain cases.

(2) In respect of an appeal under sub-section (1), the Industrial Court shall have the same powers and follow the same procedure as an appellate Court has and follows under sub-sections (2) and (3) of section 11."

7. After Chapter II of the principal Act, the following Chapter shall be inserted, namely :—

Insertion of new Chapter IIA in Act XVI of 1920.

" CHAPTER II A

DISPUTES RELATING TO OFFICE IN, OR MEMBERSHIP OF THE EXECUTIVE OF, A TRADE UNION.

14A. (1) If there is any dispute as to who is the lawful Officer of a Trade Union or a member of the executive thereof, any person who has been a member of the Trade Union for a period of not less than six months immediately before the date on which the dispute arose, may, with the consent of the Registrar and in such manner as may be prescribed, refer the dispute to the Industrial Court for a decision.

Reference of certain disputes to Industrial Court.

(2) On a reference being made under sub-section (1), the Industrial Court shall, after hearing the parties to such dispute, decide the dispute. The Court may in its discretion require the holding of fresh elections under its supervision to decide the dispute. The decision of the Industrial Court shall be final and shall not be called in question in any court of law.

(3) Pending the disposal of the reference, the Industrial Court may make an interim order specifying the persons who shall be deemed to be the lawful Officers of the Trade Union or members of the executive thereof, as the case may be, until the decision of the dispute.

(4) No Civil Court shall entertain any civil suit or other proceeding in relation to disputes mentioned in this section".