

THE LABOUR LAWS (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 15 OF 2020.

A BILL

*further to amend the Industrial Disputes Act, 1947 and the Factories Act, 1948
in their application to the State of Gujarat.*

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on the 7th August, 2020.

Insertion of new section 36C in XIV of 1947. **2.** In the Industrial Disputes Act, 1947, in its application to the State of Gujarat, after section 36B, the following section shall be inserted, namely:- **XIV of 1947.**

Power of State Government to exempt new industries from the provisions of the Act.

“36C. Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the *Official Gazette*, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.

Explanation.- For the purposes of this section, the expression “new industrial establishment or new undertaking or class of new industrial establishments or new undertakings” means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Act, 2020.”

Guj. of 2020.

Insertion of new section 5A in LXIII of 1948. **3.** In the Factories Act, 1948, in its application to the State of Gujarat, after section 5, the following section shall be inserted, namely:- **LXIII of 1948.**

Power of State Government to exempt new industries from the provisions of the Act.

“5A. Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the *Official Gazette*, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.

Guj. of 2020. *Explanation.*- For the purposes of this section, the expression “new industrial establishment or new undertaking or class of new industrial establishments or new undertakings” means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Act, 2020.”.

Guj. Ord. 8 of 2020. **4.** (1) The Labour Laws (Gujarat Amendment) Ordinance, 2020 is hereby repealed. **Repeal and saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Industrial Disputes Act, 1947 provides for the machinery and procedure for the investigation and settlement of industrial disputes. The provisions of the Act had been amended from time to time in the light of experience gained in its actual working. Whereas the object of the Factories Act, 1948 is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories.

2. At present, there is no such provision exists in both the said central Acts which empowers the State Government to exempt for temporary period to new establishments or undertakings from all or any of the provisions of both the said central Acts.

3. Whereas due to wide spread corona virus pandemic extraordinary situation has arisen requiring lock down of all activities countrywide resulting in possible slowdown of economic activities in the State and therefore, with a view to protecting, safeguarding new factories and establishments from the vicious effects of the said epidemic, it is necessary that the State Government should take sufficient measures to safeguard the said factories and establishments in carrying out the economic activities and to boost economic activities, so as to attract investment in new projects and generate employment.

4. Accordingly, new section 36C is proposed to be inserted in the Industrial Disputes Act, 1947 and similarly new section 5A is proposed to be inserted in the Factories Act, 1948 so as to empower the State Government to exempt for a period of one thousand days to new establishments or undertakings from all or any of the provisions of both the said central Acts.

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Labour Laws (Gujarat Amendment) Ordinance, 2020 (Guj. Ord. No. 8 of 2020) was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

DILIPKUMAR THAKOR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect:--

Clause 2.- New section 36C proposed to be inserted in the Industrial Disputes Act, 1947 by this clause empowers the State Government to exempt, by notification in the *Official Gazette*, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment.

Clause 3.- New section 5A proposed to be inserted in the Factories Act, 1948 by this clause empowers the State Government to exempt, by notification in the *Official Gazette*, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 11th September, 2020.

DILIPKUMAR THAKOR.

GUJARAT LEGISLATURE SECRETARIAT

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**[SHRI DILIPKUMAR THAKOR,
MINISTER FOR LABOUR AND
EMPLOYMENT]**

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D.M.PATEL,

Secretary,

Gujarat Legislative Assembly.