



सत्यमेव जयते

The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. LXI |

FRIDAY, AUGUST 7, 2020/ SRAVANA 16, 1942

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

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

LABOUR AND EMPLOYMENT DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 7th August, 2020.

GUJARAT ORDINANCE NO. 8 OF 2020.

AN ORDINANCE

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

WHEREAS the Legislative Assembly of the State of Gujarat is not
in Session;

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Industrial Disputes Act, 1947 and the Factories Act,
1948 in their application to the State of Gujarat;

AND WHEREAS instructions of the President under the proviso to
clause (1) of article 213 of the Constitution of India have been obtained;

LXIII of 1948.
XIV of 1947.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

1. *Short title and commencement.*- (1) This Ordinance may be called the Labour Laws (Gujarat Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. *XIV of 1947 and LXIII of 1948 to be temporarily amended.*- During the period of operation of this Ordinance, the Industrial Disputes Act, 1947 (hereinafter referred to as "the Industrial Disputes Act") and the Factories Act, 1948 (hereinafter referred to as "the Factories Act"), in their application to the State of Gujarat, shall have effect subject to the amendments specified in sections 3 and 4, respectively.

XIV of 1947.
LXIII of 1948.

3. *Insertion of new section 36C in XIV of 1947.* — in the Industrial Disputes Act, after section 36B, the following section shall be inserted, namely:-

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) Ordinance, 2020."

Guj. Ord. 8
of 2020.

4. Insertion of new section 5A in LXIII of 1948.-- In the Factories Act, in after section 5, the following section shall be inserted, namely:-

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.

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) Ordinance, 2020."

**Guj. Ord. 8
of 2020.**

STATEMENT

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 inserted in the Industrial Disputes Act, 1947 and similarly new section 5A is 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 in the State of Gujarat is not in session, the Labour Laws (Gujarat Amendment) Ordinance, 2020 is promulgated to achieve the aforesaid objects.

Gandhinagar.
Dated the 6th August, 2020.

ACHARYA DEVVRAT,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

VIPUL MITTRA,
Additional Chief Secretary to Government.
