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PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th September, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 29 OF 2015.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 30th September, 2015).

AN ACT

further to amend certain labour laws in its application
to the State of Gujarat.

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- 8 of 1923. 2. In the Employee's Compensation Act, 1923, in section 22, to sub-section (1A), the following proviso shall be added, namely:- Amendment of section 22 of 8 of 1923.

"Provided that if an application by an employee or by dependent or dependents for compensation is not made before the Commissioner within a period of ninety days from the date of the occurrence of the accident, then such application may be filed by an officer authorised by the State Government in this behalf for the purpose of compensation to be paid to such employee or dependent or dependents."

Amendment of section 2 of 14 of 1947. 3. In the Industrial Disputes Act, 1947 (hereinafter referred to as "the Industrial Disputes Act"), in section 2, in clause (n), for the existing proviso to sub-clause (vi), the following proviso shall be substituted, namely:- 14 of 1947.

"Provided that the period so specified shall not, in the first instance, exceed one year but may, by a like notification, be extended from time to time, by any period not exceeding two years, at any one time, if in the opinion of the appropriate Government, public emergency or public interest requires such extension;"

Amendment of section 2A of 14 of 1947. 4. In the Industrial Disputes Act, in section 2A, in sub-section (3), for the words "three years", the words "one year" shall be substituted.

Amendment of section 25V of 14 of 1947. 5. In the Industrial Disputes Act, in section 25V,-

(1) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The provisions of this Chapter shall apply to the following, namely:-

- (i) an industrial establishment set up in the Special Economic Zone declared as such by the Government of India;
- (ii) an industrial establishment set up in the Special Investment Region declared as such by the Government of Gujarat;
- (iii) an industrial establishment set up in the National Investment and Manufacturing Zone declared as such by the Government of India;

(iv) hundred per cent. export oriented industrial establishment."

(2) in the marginal note, after the words "Economic Zone", the words "and others" shall be added.

Amendment of section 25ZA of 14 of 1947. 6. In the Industrial Disputes Act, in section 25ZA,-

(1) in sub-section (1), in clause (b), for the words "forty-five days", the words "sixty days" shall be substituted;

(2) in sub-section (2), for the words "forty-five days", the words "sixty days" shall be substituted.

Amendment of section 31 of 14 of 1947. 7. In the Industrial Disputes Act, in Chapter VI, in section 31, in sub-section (2), for the words "one hundred rupees", the words "twenty-one thousand rupees" shall be substituted.

Insertion of new section 31A in 14 of 1947. 8. In the Industrial Disputes Act, in Chapter VI, after section 31, the following section shall be inserted, namely:-

Compounding of offences. "31A. (1) Any offence punishable under section 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either

before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:-

TABLE

Sr. No.	Section	Compounding amount			
1	2	3			
1.	25Q	25 days wages last drawn by each workman.			
2.	25R	60 days wages last drawn by each workman.			
3.	25U	(i) By each workman ₹ 150/- per day but not exceeding ₹ 3000/- in aggregate; (ii) By employer ₹ 300/- per day but not exceeding the amount in aggregate as shown below :			
		Number of workmen employed in the industry		Amount not exceeding	
		1 to 50		₹ 7,000/-	
		51 to 100		₹ 10,000/-	
		101 to 500		₹ 15,000/-	
		More than 500		₹ 20,000/-	
4.	26	(i) In case of illegal strike, ₹ 150/- per day by each workman but not exceeding ₹ 3000/- in aggregate; (ii) In case of illegal lock-out ₹ 300/- per day by an employer but not exceeding the amount in aggregate as shown below :			
		Number of workmen employed in the industry		Amount not exceeding	
		1 to 50		₹ 7,000/-	
		51 to 100		₹ 10,000/-	
		101 to 500		₹ 15,000/-	
		More than 500		₹ 20,000/-	
5.	27 and 28	As per section 26 above for illegal strike and lockout.			
6.	29	₹ 200/- per day in respect of each of the workman.			
7.	30A	25 days wages last drawn by each workman.			
8.	31(1)	Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 10,000/-	₹ 15,000/-	₹ 20,000/-
		51 to 100	₹ 15,000/-	₹ 20,000/-	₹ 25,000/-
		101 to 500	₹ 20,000/-	₹ 25,000/-	₹ 30,000/-
		more than 500	₹ 30,000/-	₹ 35,000/-	₹ 40,000/-
9.	31(2)	(i) For each workman, for the first offence ₹ 1000/-, for the second offence ₹ 2000/- and for the third offence ₹ 3000/-			

		(ii) For Employer:			
		Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 1500	₹ 3000	₹ 6000
		51 to 100	₹ 3000	₹ 6000	₹ 10000
		101 to 500	₹ 4000	₹ 8000	₹ 15000
		more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature wherever applicable shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then the compounding amount received from him, shall be paid to the concerned workman or equally amongst the workmen and if any workmen are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

Amendment of Fourth Schedule to 14 of 1947. 9. In the Industrial Disputes Act, in the Fourth Schedule, entries at serial No. 6 and 11 shall be deleted.

Amendment of section 2 of 11 of 1948. 10. In the Minimum Wages Act, 1948 (hereinafter referred to as “the Minimum Wages Act”), in section 2, in clause (e), - 11 of 1948.

- (i) after the words “or through another person”, the words “including outsourcing agency” shall be inserted;
- (ii) after sub-clause (iv), the following explanation shall be added, namely:-

“*Explanation.*- For the purposes of this clause, “outsourcing agency” means an agency which by a contractual agreement or otherwise, provides services or supplies employees.”.

11. In the Minimum Wages Act, in section 11, to sub-section (1), the following proviso shall be added, namely:-

**Amendment
of section 11
of 11 of 1948.**

63 of 1948.
Bom. LXXIX of
1948.

“Provided that every establishment registered under the Factories Act, 1948 and every establishment registered under the Gujarat Shops and Establishments Act, 1948, wherein not less than twenty employees are engaged, shall pay the minimum wages only through cheque or by depositing the same in any Bank.”.

12. In the Minimum Wages Act, after section 18, the following section shall be inserted, namely:-

**Insertion of
new section
18A in 11 of
1948.**

**Obligation of
Employer.**

“18A. (1) Every employer in such class of employment as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

13. In the Minimum Wages Act, in section 22A, for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted.

**Amendment
of section 22A
of 11 of 1948.**

14. In the Minimum Wages Act, after section 22C, the following section shall be inserted, namely:-

**Insertion of
new section
22CC in 11 of
1948.**

**Compounding
of offences.**

“22CC. (1) Any offence punishable under section 22A may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

Section	Compounding amount			
2	3			
22A	Number of employees employed in the industry	For first offence	For second offence	For third offence
	1 to 50	₹ 1500	₹ 3000	₹ 6000
	51 to 100	₹ 3000	₹ 6000	₹ 10000
	101 to 500	₹ 4000	₹ 8000	₹ 15000
	more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008. 33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.”.

Insertion of new section 111AA in 63 of 1948.

15. In the Factories Act, 1948, after section 111, the following section shall be inserted, namely:- 63 of 1948.

Obligation of Occupier.

“111AA. (1) Every occupier in such class of factories as may be notified by the State Government, taking into consideration the number of employees employed by him or the nature of the manufacturing process, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the occupier for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any occupier who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

27 of 1961. 16. In the Motor Transport Workers Act, 1961, after section 34, the following section shall be inserted, namely:-

Insertion of
new section
34A in 27 of
1961.

Compounding
of offences. “34A. (1) Any offence punishable under sub-section (1) of section 29, section 31 and section 32 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

33 of 2008. Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid wherever it is feasible to the concerned worker or equally amongst the workers and if any workmen are not identifiable then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

21 of 1965. 17. In the Payment of Bonus Act, 1965 (hereinafter referred to as “the Payment of Bonus Act”), after section 26, the following section shall be inserted, namely:-

Insertion of
new section
26A in 21 of
1965.

Obligation of
Employer. “26A. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number

of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Insertion of new section 29A in 21 of 1965. 18. In the Payment of Bonus Act, after section 29, the following section shall be inserted, namely:-

Compounding of offences. “29A. (1) Any offence punishable under this Act or the rules made thereunder may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Compounding amount			
2			
Number of employees employed in the establishment	For first offence	For second offence	For third offence
1 to 50	₹ 1500	₹ 3000	₹ 6000
51 to 100	₹ 3000	₹ 6000	₹ 10000
101 to 500	₹ 4000	₹ 8000	₹ 15000
more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

32 of 1966.

19. In the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, after section 33, the following section shall be inserted, namely:-

Insertion of
new section
33A in 32 of
1966.

Compounding of
offences.

“33A. (1) Any offence punishable for second or any subsequent offence under sub-section (1) of section 33 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf, for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

37 of 1970.

20. In the Contract Labour (Regulation and Abolition) Act, 1970, (hereinafter referred to as “the Contract Labour Act”), after section 25, the following section shall be inserted, namely:-

Insertion of
new section
25A in 37 of
1970.

**Compounding
of offences.**

“25A. (1) Any offence punishable under sub-sections (1) and (2) of section 22 and section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

Sections	Compounding amount	
2	3	
22(1), 22(2) and 24	Number of workmen employed in the establishment	Amount not exceeding
	1 to 50	₹ 7000/-
	51 to 100	₹ 10000/-
	101 to 500	₹ 15000/-
	more than 500	₹ 20000/-

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the principal employer or contractor, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

**Insertion of
new section
29A in 37
of 1970.**

21. In the Contract Labour Act, after section 29, the following section shall be inserted, namely:-

Obligation of
principal
employer
and
contractor.

“29A. (1) Every principal employer or contractor in such class of establishments, as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the principal employer or contractor for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any principal employer or contractor who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

39 of 1972. 22. In the Payment of Gratuity Act, 1972, after section 10, the following sections shall be inserted, namely:-

Insertion of
new sections
10A and 10B
in 39 of 1972.

Compounding
of offences.

“10A. (1) Any offence punishable under sub-section (2) of section 9 in so far as the contravention of the provisions of the rules 3, 6(1), 8, and 10A(7) of the Payment of Gratuity (Gujarat) Rules, 1973 is concerned, may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Compounding amount				
2				
Number of employees employed in the establishment	Rule 3	Rule 6(1)	Rule 8	Rule 10A(7)
1 to 50	₹ 5000	₹ 10000	₹ 2000	₹ 3000
51 to 100	₹ 5000	₹ 15000	₹ 2000	₹ 3000
101 to 500	₹ 5000	₹ 20000	₹ 2000	₹ 3000
more than 500	₹ 5000	₹ 25000	₹ 2000	₹ 3000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008. 33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.

Obligation of Employer.

10B. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Amendment of section 10 25 of 1976.

23. In the Equal Remuneration Act, 1976 (hereinafter referred to as “the Equal Remuneration Act”), in section 10, in sub-section (3), for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted. 25 of 1976.

Insertion of new section 11A in 25 of 1976.

24. In the Equal Remuneration Act, after section 11, the following section shall be inserted, namely:-

Compounding of offences.

“11A. (1) Any offence punishable under section 10 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Sr. No.	Sections	Compounding amount			
1	2	3			
		Number of workers employed in the Establishments or employment	For first offence	For second offence	For third offence
1	10(1) and 10(3)	1 to 50	₹ 1500	₹ 3000	₹ 6000
		51 to 100	₹ 3000	₹ 6000	₹ 10000
		101 to 500	₹ 4000	₹ 8000	₹ 15000
		more than 500	₹ 5000	₹ 10000	₹ 20000
2	10(2)	Difference in the remuneration paid and actually payable, for 90 days for every completed year of service of each worker .			

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned worker or equally amongst the workers and if any workers are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

Amendment of
section 2 of 27
of 1996.

25. In the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, in section 2, in sub-section (1), in clause (e), in sub-clause (ii), for the words “draws wages exceeding one thousand six hundred rupees per *mensem*”, the words “draws wages three times more than the monthly wages of the skilled labour” shall be substituted.

27 of 1996.

Amendment of
Schedule II of
33 of 2008.

26. In the Unorganised Workers’ Social Security Act, 2008, in Schedule II, entry at serial No. 2 shall be deleted.

33 of 2008.
