

Bombay Industrial Relations Act, 1946, (Maharashtra)

Section 43 - Notice of Change when to Be Deemed General Notice

1[(1) Where an employer gives notice of a proposed change under sub-section (1) of section 42 affecting some of the employees in an industry in a local area, any other employer or an association of employers or the representative of any employees engaged in the industry in the local area may, within seven days from the date of service of such notice, intimate in writing to such employer that other employers, or as the case may be, other employees, engaged in the industry in the area and mentioned in such intimation are affected by the change. The employer or employers concerned, shall affix a copy of such intimation at a conspicuous place on every premises where the employees concerned are employed for work.

(2) Where an employee gives notice of a proposed change under sub-section(2) of section 42 affecting one or some of the employers in an industry in a local area the representative of employees or any employer or an association of employers engaged in the industry in the local area may,2[within thirty days] from the date of service of such notice, give a special notice in writing to the employee an his employer, or as the case may be, the representative of employees, that other employees or as the case may be, other employer, engaged in the industry in the area and mentioned in such special notice, are affected by the change. The employer or employers concerned shall affix a copy of such special notice at a conspicuous place on every premises where the employees concerned are employed for work.]

(3) A copy of every intimation under sub-section (1) and special notice under sub-section (2) shall be sent to the Commissioner of Labour, the Chief Conciliator, the Conciliator for the industry concerned for the local area, the Registrar, the Labour Officer and such other person as may be prescribed.

(4) On an intimation being given under sub-section (1) or a special notice being given under sub-section (2) and the provisions of sub-section (3) being complied with, the employees mentioned in the intimation or employers mentioned in the special notice, as the case may be, shall also, for the purposes of this Act, be deemed to be, affected by such change, and to have been given notice under sub-section (1) or (2), as the case may be, of section 42.

(5) Where an employer or an employee gives a notice of a proposed change under sub-section (1) or sub-section (2), as the case may be, of section 42, and such change, in the opinion of the3[State] Government affects the majority of employers or employees engaged in an industry or occupation in the local area, the3[State] Government may by notification in the Official Gazette, declare that the whole of such industry or occupation, as the case may be, is affected by such change and thereupon it shall be deemed to be so affected.

-
1. Sub-section (1) and (2) were substituted for the original by Bom. 74 of 1948, s. 9
 2. These words were substituted for the words "within seven days" by Mah. 22 of 1965, s. 25.
 3. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.