

'MAHARASHTRA INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1959

THE IIMAIIRASIITRAI INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1959 G.N., L. & S.W.O. NO. INT. 3058-1, Dated 6th January, 1959 (B.G., PT.I- L, P.333) In exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), in its application to the State of Maharashtra, the Government of Maharashtra hereby makes the following rules, namely:- 1. Short title, extent and commencement.- (a) These rules may be called the Maharsashtra Industrial Employment (Standing Orders) Rules, 1959. (b) They extend to the whole of the 2[State of Maharashtra]. (c) They shall come into force on and with effect from the 15th day of January, 1959

2. Definitions.- In these rules, unless the context otherwise requires (a) "Act" means the Industrial Employment (Standing Orders) Act, 1946; (b) "Form" means a form set out in Schedule 11 appended to these rules; (c) Words and expressions used in these rules but not defined shall have the meanings assigned to them in the Act

3. Model Standing Orders.- The model standing orders for the purposes of the Act shall be those set out in Schedule I appended to these rules

4. Representatives of workmen.- (1) Where there is a trade union representing workmen in any industrial establishment, the trade union of which the workmen are members, shall be the representative of such workmen for the purposes of the Act, and these rules. (2) Where there is no such Trade Union the Certifying Officer shall cause a meeting of the workmen to be held on such date as may be fixed by him or by any person authorised by him for the election of Five Representatives for each of the 3[three] categories of workmen, namely:- (i) Workmen doing Manual or Technical work, (ii) Workmen doing Clerical or Supervisory work, and 4[(iii) Working Journalists in the case of Newspaper Establishment.] All references to "Bombay Acts, Rules and Regulations. bye laws, Scheme or Order issued or" enacted before the 1st May, 1960, substituted as "Maharashtra Acts, Rules, Regulations bye Laws, Scheme and Order" and the same shall be deemed to have been amended from May, 1960 as per Act No.XXIV of 2012 dated 22/8/2012, MGG Pact dt. 22/8/2012. All the amendments in this book for Bombay to Maharashtra has been substituted as per Act NOMXXIV Of 2012. dt. 22.8.2012. 2 Subs. by A. O. 1960 for "State of Maharashtra." 3 subs. by G. N. of 12.3.1960. 4 Ins. by G. N. of 12.3.1960. (3) The Certifying Officer or any person authorised by him may require the employer to display a notice of the date, time and place of the meeting at or near the main gate or in the Departments of the establishment prominently and in such manner as may be directed by him or any person authorised by him. (4) The meeting shall be convened, and presided over by the Certifying Officer or such person as may be authorised or deputed by him. (5) The workmen declared elected at the meeting by the person presiding shall be the representatives of the workmen for the purposes of the Act and these rules

5. Application for modification.- An application for modification under sub- section (2) of Section 10 of the Act, may be made on behalf of any workman in any industrial establishment,- (i) by any other workman employed in such industrial establishment, or (ii) by his representative elected under Rule 4

6. Particulars of statements.- (1) Every employer who submits draft amendments under sub-section (1) of Section 3 of the Act or applied for modification under sub-section (2) of Section 10 of the Act, shall furnish the Certifying Officer separate statements in Form 'A' in respect of- (i) workmen doing manual or technical work (ii) workmen doing clerical or supervisory work, 2[(iii) Working Journalists in the case of newspaper establishment] Each such statement shall contain the following particulars, namely:- (a) the total number of workmen employed in the industrial establishment; (b) the number of permanent workmen, probationers, badlis or substitutes, temporary workmen, apprentices, part-time workmen and casual workmen; and (c) the name of the trade union or unions, if any, of which the workmen are members. (2) Every workman submitting draft amendments under sub-section (1) Of Section 3 of the Act and every workman or his representatives making application for modification under sub- section (2) of Section 10 of the Act shall furnish the Certifying Officer with a statement in Form 'B' 7. Submission of joint draft.- A group of employers in similar industrial establishment may submit a joint draft of amendments provided such joint draft is submitted through a person authorised in this behalf by such group and five time as many copies of the drafts as the number of industrial establishmentS to which the

joint draft is to apply as submitted. The following particulars shall be furnished along with the joint draft namely:- (i) a list of employers constituting the group with the name and address in full of each industrial establishment; I Dei. O. N. of Ins. I. (ii) a declaration that the industrial establishments constituting the group have agreed to abide by the conditions laid down in the joint draft; (iii) statements prescribed by sub-rule (1) of rule 6 in respect of each of the industrial establishments constituting the group

8. Notice to workmen, employer etc.- (1) On receipt of the draft amendments or modifications submitted by an employer, the Certifying Officer shall, as soon as practicable,- (i) cause copies thereof together with notice in Form 'C' to be affixed on the notice board of the industrial establishments concerned for the information of the workmen of the said establishment, and (ii) forward by registered post copies of the draft amendments or modifications and of the notice in Form 'C' together with notice in Form 'D' to the trade union or unions named by the employer in the statement submitted by him in Form 'A' and to any other trade union or unions which in the opinion of the Certifying Officer are concerned with the establishment. (2) On receipt of the draft amendments or modifications submitted by or on behalf of a workman, the Certifying Officer shall, as soon as practicable,- (i) cause copies thereof together with notice in Form 'C' to be affixed on the notice board of the industrial establishment concerned for the information of the workmen of the said establishment, and (ii) forward by registered post copies of the amendments or modifications and of the notice in Form 'C' together with notice in Form 'D' to the trade union or unions named by the workmen in statement submitted by or on behalf of him in Form 'B' and to any other trade union or unions which in the opinion of the Certifying Officer are concerned with the establishment, and (iii) forward by registered post copies of the amendments or modifications to the employer requesting him to submit his objections, if any, to the amendments or modifications within fifteen days of the receipts of a communication to that effect from the Certifying Officer

9. Submission of copies of draft amendments and modifications.- The copies of the draft amendments or modifications to be submitted by the employer under sub-section (1) of Section 3 and under sub-section (2) of Section 10 of the Act shall be type- written on one side of the paper only

10. Authentication of amendments or modifications.- The amendments or modifications certified by the Certifying Officer or confirmed by the appellate authority shall be authenticated by affixing thereto the seal of the Certifying Officer or as the case may be, of the appellate authority. The amendments or modifications as certified by the Certifying Officer shall be forwarded to the parties by registered post acknowledgement due or by hand delivery

11. Register under Section 8.- The register of Standing Orders or model standing' orders together with all amendments required to be maintained under Section 8 of the Act shall be in Form

12. Fees.. The fee payable for furnishing a copy of the standing orders, or model standing orders together with all the amendments as certified by the Certifying Officer shall be five naye paise for every 25 words or part thereof. For certified copies, an additional fee of five naye paise per 100 words or pan thereof shall be charged, and on the total amount payable for a certified copy a surcharge of 25 per cent shall be levied

13. Procedure in appeal.. (1) Any person desiring to prefer an appeal against an order of the Certifying Officer shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quadruplicate accompanied by a certified copy of the amendments or modifications and of the order of the Certifying Officer against which the appeal is preferred, to the Registrar of the Industrial Court. (2) The appellate authority shall, after giving the appellant an opportunity of being heard, unless it comes to the conclusions that the decision of the Certifying Officer is contrary to law or otherwise erroneous, confirm the amendments or modifications as certified by him. (3) Where the appellate authority does not confirm the amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given- (a) where the appeal is filed by the employer or a workman, to trade unions of the workmen on the industrial establishment and where there are no such trade unions to the representatives of workmen elected under Rule 4, or as the case may be, to the employer; (b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment; (c) where the appeal is filed by the representatives of the workmen, to the employer and any other workmen whom the appellate authority joins as a party to the appeal; (4) The appellate authority shall furnish each of respondents with a copy of the memorandum of appeal. (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal. (6) On the date fixed under sub-rule

(3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or considers to be relevant

14. Application under Section 13-A of the Act.- (1) Every application made under Section 13-A of the Act shall be forwarded to the Labour Court by registered post or be presented to the clerk of the Court or any other subordinate officer authorised by the Court in this behalf. (2) Such application may be made on behalf of any workman in any industrial establishment,- (i) by any other workman employed in such industrial establishment, or (ii) by his representative under Rule 4. 14-A. Procedure to be followed by Labour Courts in deciding applications under Section of the Act:- The Labour Court in deciding applications under section 13A of the Act may follow the procedure of judicial enquiry which may cover examination of documents, witness and other evidence, produced by the parties. For this purpose, the Labour Court shall have the powers as are vested in it under the Industrial Disputes Act, 1947 in so far as they are applicable in deciding such applications. (2) Without prejudice to the generality of the provisions of sub-rule (1) the Labour Court shall, as far as It may be applicable, follow the same procedure which is being followed by it in dealing with matters under the Industrial Disputes Act, 1947, in regard to- (i) production and exhibiting documents, (ii) examination of witnesses, (iii) adjournments, (iv) filing of affidavits, (v) commissions, (vi) sitting of the Court and hearing of matters, (vii) authorisation of representatives, (viii) maintenance of Rozanama, (ix) awards and orders, and (x) certified copies and charges therefor

15. Inclusion of additional matters in Schedule to the Act.- The following additional matters shall be included in the Schedule to the Act [after items 1, 7 and 10- A respectively,] namely:- "I-A. Workmen's tickets and registers. 7-A. Closing and re-opening of the entire industrial establishment or departments thereof and the rights and liabilities of the employer and workmen arising therefrom." 2[10-B. Medical examination (including provision for bearing expenses therefor)] 16. Repeals.- The Industrial Employment (Standing Orders) Central Rules, 1946 as in force in the Kutch area of the State of Maharashtra, the Central Provinces and Berar Industrial Employment (Standing Orders) Rules, 1947, as in force in the Vidarbha region of the State of Maharashtra, the Maharashtra Industrial Employment (Standing Orders) Rules, 1948, as in force in the - pre- Reorganisation State of Maharashtra, excluding the transferred territories, the Saurashtra Industrial Employment (Standing Orders) Rules, 1949. and the Hyderabad Industrial Employment (Standing Orders) Rules, 1953, as in force in. the Hyderabad area of the State of Maharashtra are hereby repealed: Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. subs by G N. of 24-10-1972. 2 G N of 24-10-1972.