

**MADHYA PRADESH INDUSTRIAL EMPLOYMENT (STANDING
ORDERS) ACT, 1961**

26 of 1961

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**SCHEDULE 1 :-MATTERS TO BE PROVIDED IN STANDARD
STANDING ORDERS**

**MADHYA PRADESH INDUSTRIAL EMPLOYMENT (STANDING
ORDERS) ACT, 1961**

26 of 1961

An Act to provide for rules defining with sufficient precision in

certain matters the conditions of employment of employees in undertakings in the State of Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Twelfth Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called The Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date¹ as the State Government may, by notification, appoint.

1. 25-11-1961 - See Madhya Pradesh Gazette, 17-11-1961, Pt. I, p. 1906.

2. Application of the Act :-

Section It is hereby declared that the Salar Jung Museum together with the Salar Jung Library at Hyderabad in the State of Andhra Pradesh is an institution of national importance.

(1) This Act shall apply to -

(a) every undertaking wherein the number of employees on any day during the twelve months preceding or on the day this Act comes into force or on any day thereafter was or is more than twenty; and

(b) such other class or classes of undertakings as the State Government may, from time to time, by notification, specify in this behalf: Provided that it shall not apply to an undertaking carried on by or under the authority of the Central Government or Railway Administration or a mine or an oilfield.

(2) Nothing in this Act shall apply to the employees in an undertaking to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations or any other rules or regulations that may be notified in this behalf by the State Government in the Official Gazette apply.

3. Definitions :-

Section

In this Act, unless the context otherwise requires,---

- (a) "Board" means the Board established under section 4;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Fund" means the fund referred to in section 19;
- (d) "member" means a member of the Board and includes the Chairman;
- (e) "museum" means the Salar Jung Museum together with the Salar Jung Library, declared to be an institution of national importance under this Act;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "State Government" means the Government of Andhra Pradesh.

In this Act, unless the context otherwise requires,-

- (a) "Certifying Officer" means the Commissioner of Labour or such other officer not below the rank of an Assistant Commissioner of Labour as may be appointed by Government, by notification, to exercise the powers and perform the functions of a Certifying Officer under this Act;
- (b) "standard standing orders" means rules framed under section 21 relating to matters set out in the Schedule;
- (c) "standing orders" in respect of any industrial establishment means the standing orders applicable to such establishment immediately before the coming into force of this Act and includes standard standing orders together with all amendments thereto, if any, certified under section 8 ;
- (d) the words and expressions used in the Act but not defined herein shall have the meanings assigned to them in Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960).

4. Central Act 20 of 1946 not to apply :-

Section

(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act a Board to be known as the Salar Jung Museum Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power,

subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by that name sue and be sued.

(3) Notwithstanding anything contained in sub-section (2), the Board shall not, except with the previous approval of the Central Government, sell or otherwise dispose of any article or thing specified in Part I or Part II of the Schedule.

.- Nothing in Industrial Employment (Standing Orders) Act, 1946, shall apply to any undertaking to which this Act applies : Provided that any proceeding under the said Act pending on the date of the commencement of this Act may be continued and completed in accordance with the provisions of the said Act as if this Act had not been passed.

5. Power to exempt :-

Section

(1) The Board shall consist of the following persons, namely:---

- (a) the Governor of Andhra Pradesh, ex officio Chairman;
- (b) the Secretary to the Government of India in the Ministry concerned with matters relating to the museum, ex officio;
- (c) the Mayor of the Corporation of Hyderabad, ex officio;
- (d) the Vice-Chancellor of the Osmania University, ex officio;
- (e) the Accountant-General, Andhra Pradesh, ex officio;
- (f) a person to be nominated by the Central Government, who shall be a member of the family of the late Nawab Salar Jung Bahadur who died on the 2nd day of March, 1949;
- (g) three persons to be nominated by the Central Government who shall as far as possible be persons having knowledge of, and experience in, matters relating to the administration of museums and libraries;
- (h) two persons to be nominated by the State Government.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

Where the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification and subject to such conditions, if any, as it may specify in the notification,-

(a) exempt any undertaking or class of undertakings from the operation of all or any of the provisions of this Act; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the undertaking or class of undertakings to the operation of such provisions.

6. Application to standard standing orders to undertakings

:-

Section

(1) The term of office of nominated members shall be such as may be prescribed.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated member under sub-section (2) or for any other reason may be filled by fresh nomination.

(4) An outgoing member shall be eligible for renomination.

(1) The State Government may, by notification, apply standard standing orders to such class of undertakings and from such date as may be specified therein.

(2) Where immediately before the commencement of this Act standing orders are in force in respect of any undertaking, such standing orders shall, until standard standing orders are applied to such undertaking under sub-section (1) continue in force as if they were made under this Act.

(3) The standard standing orders made or amendments certified under this Act shall provide for every matter set out in the Schedule.

7. Submission of amendment :-

Section

(1) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place

during his absence.

(2) No act of the Board shall be invalid merely by reason of---

(a) any vacancy in, or defect in the constitution of, the Board, or

(b) any defect in the nomination of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

(1) The employer or any representative of employees may submit to the Certifying Officer in the prescribed manner draft amendment to the standing orders applicable to an undertaking under section 6 : Provided that no such amendment shall, except on an agreement between the parties, be entertained -

(a) in respect of standard standing orders within one year of the date on which-

(i) such orders were made applicable under section 6 ; or

(ii) an amendment is certified under sub-section (3) of section 8 ;
or

(b) in respect of standing orders within one year of the date on which the last amendment to such orders were certified.

(2) The draft amendments submitted under this section shall be accompanied by a statement giving prescribed particulars of the employees in the undertaking.

(3) Subject to such conditions as may be prescribed, a group of employers or representatives of employees in the same industry may submit a joint draft of amendment under this section.

8. Certification of amendment :-

Section

(1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Board, and the Central Government or the State Government , as the case may be shall also satisfy itself from time to time with respect to every member of the Board nominated by it that he has no such interest;

and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate, and who has consented to be, a member of the Board shall, whenever requested by the Central or State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly, interested in a contract made, or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

(1) On receipt of the draft under section 7 , the Certifying Officer shall forward a copy thereof to the representative of the employees or the employer, as the case may be, requiring objections, if any, to be submitted to him in the prescribed manner within fifteen days of the date of receipt of the copy.

(2) After giving both the parties an opportunity of being heard, the Certifying Officer shall decide whether or not the draft amendments or any modifications thereof or additions thereto are necessary and shall make an order in writing accordingly: Provided that no order to the effect that the draft amendments or any modifications or additions thereto is necessary shall be made unless the Certifying Officer is satisfied that such amendments or modifications or additions are fair or reasonable.

(3) If, under the preceding sub-section, the Certifying Officer decides that the draft amendments be certified, with or without any modifications or additions, he shall certify the amendment with such modifications or additions, if any, and shall within seven days thereafter send certified copies of such amendments to the employer and to the representative of the employees.

9. Appeals :-

Section

(1) The Board shall meet at such times and places and shall, subject to the provisions of sub- sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be

provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of Board.

(3) If any of the members referred to in clauses (b) , (c) , (d) and (e) of section 5 is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding shall have a second or casting vote.

(1) Any person aggrieved by the order of Certifying Officer under sub-section (2) of Section 8 may, within thirty days of the date of passing the said order, file an appeal before the Industrial Court which may confirm, vary or rescind the order : Provided that in computing the period of thirty days, the time requisite for obtaining a copy of the order appealed against shall be excluded : Provided further that the Industrial Court may, for sufficient reasons admit any appeal made after the expiry of such period.

(2) The Industrial Court shall cause a copy of its order under sub-section (1) to be transmitted to the Certifying Officer who shall proceed to take necessary action under sub-section (3) of Section 8 as if the order was passed by him.

(3) The order of the Industrial Court shall be final and binding on the parties.

10. Date of operation of amendments :-

Section

(1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not by virtue of this section be entitled to vote.

Amendments of standing orders shall come into operation on the expiry of thirty days from the date on which certified copies thereof are sent under sub-section (3) of Section 8 or where an appeal is preferred, on the expiry of seven days from the date on which they are sent by the Certifying Officer under the said sub-section read with sub-section (2) of Section 9 .

11. Posting of standing orders :-

The text of the standing orders shall be prominently posted by the employer in English and Hindi on special boards to be maintained for the purpose at or near the entrance through which the majority of the employees enter the undertaking and in all departments thereof where the employees are employed.

12. Register of Standing Orders :-

A copy of all standing orders shall be filed by the Certifying Officer in a register maintained for the purpose, and he shall furnish a copy thereof to any person applying therefor on payment of the prescribed fee.

13. Disputes regarding application and interpretation of standing orders :-

If any question arises as to the application or interpretation of a standing order, an employer, an employee or a representative of employees may refer the question to the Labour Court having jurisdiction and the Court shall, after giving the parties an opportunity of being heard, decide the question and his decision shall be final and binding on the parties.

14. Recovery of money due from an employer :-

Any sum required to be paid under this Act by an employer to an employee but not paid by him shall be recovered as delayed wages under provisions of the Payment of Wages Act, 1936.

15. Appointment of Inspectors and thier powers and duties :-

(1) The State Government may, by notification, appoint such officers of the Labour Department not below the rank of a Deputy Labour Officer, as it may think fit, to be Inspectors for the purposes of this Act. Such notification shall define the class of undertakings in respect of which and the areas within which they shall exercise their respective jurisdictions.

(2) It shall be the duty of every such Inspector to ensure within the area of his jurisdiction the proper implementation of the provisions

of this Act and the rules made thereunder.

(3) An Inspector may, within the area of his jurisdiction, make such enquiries and collect such information from the employers and employees as he may consider necessary for the purposes of this Act.

16. Certain officers to be public servants :-

An Inspector or a Certifying Officer, appointed under this Act, shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 [See section 3(b) and Section 6(3).].

17. Penalties and procedure :-

(1) If, in any undertaking to which the Madhya Pradesh Industrial Relations Act, 1960, does not apply, any employer modifies his standing orders otherwise than in accordance with the provisions of this Act, he shall be punished with fine which may extend to five thousand rupees and in case of a continuing offence with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) Any employer who does any act in contravention of standing orders shall be punished with fine which may extend to one hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(3) Whoever contravenes the provisions of this Act or of any rule made thereunder, in cases other than those falling under sub-section (2), shall be punished -

(a) with fine which may extend to one hundred rupees and in the event of such person being previously convicted of an offence under this Act, with fine which may extend to two hundred rupees; and

(b) in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(4) The Court convicting an employer under sub-section (1) or sub-section (2) or sub-section (3) may direct such employer to pay such compensation as it may determine to any employer directly and adversely affected by such modification or contravention, as the

case may be.

(5) An offence punishable under this section shall, on a complaint made by the representative of the employees, be triable by a Labour Court within the local limits of whose jurisdiction it was committed.

(6) In trying offences under this section, the Labour Court shall exercise the same powers and follow the same procedure as in respect of offences under the Madhya Pradesh Industrial Relations Act, 1960.

17A. Summary disposal of cases :-

(1) A Labour Court taking cognisance of an offence under sub-section (2) or (3) of Section 17 shall state upon the summons to be served on the accused person that he -

(a) may appear by pleader and not in person; or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter acknowledgment due and remit to the Labour Court such sum as the Court may, subject to the maximum limit of fine prescribed for the said offence, specify.

(2) Where an accused person pleads guilty and remits the sum in accordance with the provisions of sub-section (1), no further proceedings in respect of the offence shall be taken against him.

(3) Nothing contained in this section shall apply to -

(a) continuing offence under sub-section (2) and clause (b) of sub-section (3) of Section 17 ;

(b) the previously convicted person under clause (a) of sub-section (3) of Section 17 .

18. Certifying Officer, Labour Court and Industrial Court to have powers of Civil Courts :-

In any proceeding under this Act, except in respect of an offence, Certifying Officer, the Labour Courts and the Industrial Courts shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witness and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and S.482 of the Code of Criminal Procedure, 1898.

19. Oral evidence in contradiction of standing orders, etc., not admissible :-

No oral evidence having the effect of adding to or otherwise varying or contradicting standing orders shall be admitted in any Court.

20. Procedure before Certifying Officer, Labour Court or Industrial Court :-

Subject to the provisions of sub-section (6) of section 17 , section 18 and to the rules framed under this Act, the Certifying Officer, the Labour Court or the Industrial Court shall in proceedings before him/it, follow such procedure as he/it may think fit.

21. Powers to make rules :-

(1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rule may-

(a) provide for additional matters to be included in the Schedule;

(b) frame standard standing orders for the purposes of this Act and different standing orders may be framed for-

(i) different classes of undertakings, and

(ii) different categories of employees;

(c) lay down the procedure to be followed by the Certifying Officer, the Labour Court or the Industrial Court;

(d) specifying the fee which may be charged for furnishing copies of standing orders filed in the register under section 12 ;

(e) provided for any other matter which is to be or may be prescribed.

(3) The rules made under this section shall be subject to the condition of previous publication in the Gazette.

22. Construction of references :-

Any reference in any law for the time being in force to standing orders in relation to an undertaking to which this Act applies shall -

(i) where standard standing orders have been applied to such undertaking under Section 6 of this Act be construed as a reference to such standard standing orders; and

(ii) in any other case be construed as a reference to standing order, if any, in force in respect of such undertaking.

23. Repeal and saving :-

The Madhya Pradesh Industrial Workmen (Standing Orders) Act, 1959, is hereby repealed: Provided that any proceeding under the said Act pending on the date of the commencement of this Act may be continued and completed in accordance with the provisions of this said Act, as if this Act had not been repealed.

SCHEDULE 1

MATTERS TO BE PROVIDED IN STANDARD STANDING ORDERS

[See section 3(b) and Section 6(3).] I. Classification of employees, e.g., whether permanent, temporary, apprentices, probationers, badlis and whether seasonal or otherwise. II. Tickets, cards, service books, registers and service certificates. III. Recruitment. IV. Manner of intimating to employees the period and hours of work, holidays, pay days and wage rates. V. Shift working. VI. Holidays, procedure and authority to grant. VII. Closing and reopening of sections of the undertaking and temporary stoppages of work including laying off and the rights and liabilities of the employer and employees arising therefrom. VIII. Liability to search and entry into premises by certain gates. IX. Attendance and late coming. X. Leave, conditions, procedure and authority to grant. XI. Termination of employment otherwise than by way of punishment, and the notice thereof to be given to the employers and employees. XII. Punishment involving warning, censure, fine and deductions in wages. XIII. Suspension or dismissal for misconduct, and acts or omissions which, constitute misconduct. XIV. Means of redress for employees against unfair treatment or wrongful exactions by the employer or his agents or servants.