

MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES RULES, 1975

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MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES RULES, 1975

In exercise of the powers conferred by sub-section (1) of section 61 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (Mah. 1 of 1972), and of all other powers enabling in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 61 namely :-

CHAPTER 1

CHAPTER

1. Short title :-

These rules may be called the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Rules, 1975

2. Definitions :-

(1) In these Rules unless there is anything repugnant in the subject or context ,-

(a) "Act" means the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

(b) "Form" means a form appended to these Rules;

(2) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them [in] the Act.

CHAPTER 2

Qualification of persons presiding over labour courts

3. . :-

A person shall not be eligible to be appointed to preside over a Labour Court, unless he is or has been an Officer of the Judicial Service in the State and satisfies the requirements of S.6 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, or possesses the following qualifications, that is to say, namely:-

(i)

(a) he is a bachelor of Laws of a recognised University; or

(b) he has passed the examination for pleaders held by the High Court of Judicature at Bombay, or

(c) he has passed the Advocates Examination conducted by the Bombay bar Council; or

(d) he has been admitted to the Bar of England, Northern Ireland or Scotland, and has practiced as an Advocate or Pleader in the High Court or Courts subordinate to it not less than seven years;

(ii) he has sufficient knowledge of Marathi to enable him to speak, read and write and translate with facility from the written character into English and vice-versa.

(iii) he has had practical experience of labour and industrial problems or has done research in such problems or made a study of labour and industrial laws.

CHAPTER 3

CHAPTER

4. Recognition of union :-

Application by any Union for registration under section II shall be in Form A.

5. Fees :-

The fees payable by a union under S.12 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 for registration shall be Rs. 5.

6. Period of show cause notice :-

The period to show cause as to why recognition should not be granted to the applicant union under sub-section (1) of S.12 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be eight days from the date of the notice displayed under that sub-section.

7. Certificate of recognition :-

The certificate of recognition to be issued to a union under sub-section (2) of S.12 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form B.

8. Application for recognition of other unions :-

The application of a Union for registration under S.14 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form C.

9. Fees for recognition of other unions :-

The fees payable by a union for registration under S.14 of the

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be Rs. 5.

10. Period of show cause notice :-

The period to show cause as to why recognition should not be granted to the applicant union under sub-section (2) of S.14 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be eight days from the [date of receipt of notice under that sub-section by the applicant union.]

11. Certificate of recognition :-

The certificate of recognition to be issued to a Union under sub-section (3) [of] S.14 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form D.

12. Application for re-recognition :-

The application for re-recognition of a union under sub-section

(1) of S.15 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form E.

13. Fees :-

The fees payable by a union for re-recognition under subsection (1) of S.15 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be Rs. 5.

14. Change in name or address :-

(1) Any change in the name or address or in both of the head office of a recognised union shall be communicated in writing to the Industrial Court, within seven days of such change cause to be recorded by the Industrial Court in the appropriate Industrial Court in the Official Gazette,

(2) The Industrial Court shall certify under its signature and seal at the foot of the certificate issued under Rule 7 or 11 that the new name of the union has been recorded in the register.

15. Publication of orders :-

(1) The Industrial Court making any order under S.12 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, S.13 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, S.14 of the Maharashtra Recognition of Trade Unions and

Prevention of Unfair Labour Practices Act, 1971 or S.15 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall cause it,

(i) to be published in the Official Gazette, where it considers it necessary to do so, having regard to the importance of the order, or

(ii) to be displayed on the notice board in its office, in other cases,

(2) The Commissioner of Labour, Bombay, and every union affected by the order referred to in sub-rule (1) shall be furnished with a copy thereof by the Industrial Court]

CHAPTER 4

CHAPTER

16. Collection of sums :-

The President, the Vice- Chairman, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary, the Treasurer of a recognised union, such members of the office staff of the union, as have been authorised by the President in this behalf and such members of the union as have been completed at least six months of membership and have been authorised by the President in this behalf shall, subject to the following conditions, be entitled to collect sums payable by its members on the premises of an undertaking where wages are paid to them:-

(a) the name or names of the officer or officers or member or members of the office staff or member or members of the union authorised in this behalf shall be intimated in advance to the employer [in writing] and changes if any, therein shall be communicated in like manner to the employer at least 48 hours before the date of collection;

(b) the officers, members of the office staff or members of the union visiting the undertaking for this purpose shall carry a letter of authority in Form F (and such letter of authority duly signed by the General Secretary or the Secretary of the Union shall be sufficient authority for the persons authorised under that Form to collect the sums without any let or hindrance);

(c) no coercion or force shall be used on any employee;

(d) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the work or functioning

of the undertaking;

(e) not more than 25 employees at a time shall be allowed to gather at the place where such sums are collected;

(f) collections shall be made on the usual pay day or days and on the subsequent three days and the day or days on which unclaimed wages are paid:

Provided that, (i) on the usual pay day or days, the collection shall be made during the hours of payment, and (ii) on any other days, the collection shall be made during such hours as may be mutually agreed upon between the employer and the union, subject to the conditions that the period shall not be more than three hours of each of such days.

17. Mode of putting up notice :-

The President, the Vice- Chairman, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary, the Treasurer of a recognised union, shall be entitled to put or cause to be put up a notice board outside the time keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices thereon during the hours the undertaking is open provided that

(a) the notice board to be put up shall be of a reasonable size;

(b) the notices to be affixed shall be signed either by the President, the Vice- Chairman, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary or the Treasurer; such notices shall relate to the lawful activities of the union and shall not be of an offensive or provocative nature.

18. Permission to do acts under section 20 :-

Subject to the provisions of Rule 19, Rule 20 and Rule 21, the President, the Vice-President, the General Secretary, the Secretary, the Joint Secretary, the Assistant Secretary and the Treasurer of a recognised union shall, by the employer to do all or any of the acts mentioned in sub-clauses (i), (ii) and (iii) for the purpose of prevention or settlement of an industrial dispute, be permitted of clause (c) of S.20 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

19. Permission to hold discussion :-

The officers specified in Rule 18 shall be permitted by the employer

to hold discussions on the premises of the undertaking with the employees concerned who are members of the recognised union; Provided that,-

(a) the union shall intimate in advance to the employer the name or names of the officer or officers authorised for the purpose and the name of the department or departments in which the members concerned are employed; and

(b) the discussions shall be held in such a manner as not to interfere with the working of the undertaking.

20. Mode of settling grievances :-

The officers of a recognised union specified in Rule 18 and such officers of any union (other than a recognised union) shall have right

(i) to meet and discuss with an employer or any persons appointed by him for the purpose, the grievances of its members employed in his undertaking (including grievances relating to discharge, removal, retrenchment, termination of service or dismissal or suspension) subject to the following conditions namely :-

(a) the discussion shall ordinarily be held on two days in a week during such hours as may be fixed by agreement between the employer and the union except in urgent cases when it may be held on any day at any time by previous appointment;

(b) the union shall ordinarily communicate in advance to the employer the nature of the grievances which it desires to discuss;

(c) the name of the officer authorised in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority, in Form G (and such letter of authority duly signed by the General Secretary or the Secretary of the Union shall be sufficient authority for the persons authorised to meet and discuss with the employer or any person appointed by him the grievances of its members); and

(ii) to appear on behalf of any of its members employed in the undertaking in any domestic or departmental inquiry held by the employer.

21. Right to inspect any place in the undertaking :-

Any of the officers specified in Rule 18 shall have a right and shall be permitted by the employer to inspect in the undertaking any

place where any member of the union is employed provided he carries with him a letter of authority, in Form H and informs the employer before hand which place in the undertaking he desires to inspect (Such letter of authority duly signed by the General Secretary or the Secretary of the Union shall be sufficient authority for the persons authorised to inspect the place aforesaid);

CHAPTER 5

CHAPTER

22. Notice of strike :-

The notice of strike under clause(a) of sub-section (1) of S.24 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form I and shall be sent by registered post.

23. Notice of lock-out :-

The notice of lock-out under clause(a) of sub-section (2) of S.24 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be in Form I and shall be sent by registered post.

CHAPTER 6

CHAPTER

24. Fees :-

Fees payable for supply of a copy of the report under sub- section (5) of S.28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall be at the rate of 50 paise per every hundred words or fraction thereof.

25. Publication of order :-

The order of the Court under sub-section (8) of S.28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall, if the court considers that, having regard to the importance of the order, its publication in the Official Gazette is necessary it shall be published in the Official Gazette and in any other case, shall be published by affixing it on the notice board of the Court.

26. Report of order :-

(1) The Court shall forward a copy of its order under subsection (8) of S.28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 to the Commissioner of Labour, Bombay.

(2) Where the order is in respect of a complaint made by any union of any employee or any employer in an undertaking situated in the Poona or Nagpur or Aurangabad Division of the State, a copy of the order shall also be forwarded by the Court to the Deputy Commissioner of Labour, Poona or the Deputy Commissioner of Labour, Nagpur or Assistant Commissioner of Labour, Aurangabad, as the case may be.