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The Industrial Employment (Standing Orders) (Bombay Amendment) Act,
1956

Act 36 of 1956

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1956 : Bom. XXXVI]

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**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY
AMENDMENT) ACT, 1956.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of XX Act of 1946.



**BOMBAY ACT No. XXXVI OF 1956.¹**

[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT)
ACT, 1956.]

[15th June 1956]

**An Act further to amend the Industrial Employment (Standing Orders) Act, 1946,
in its application to the State of Bombay.**

WHEREAS it is expedient further to amend the Industrial Employment (Standing
XX of Orders) Act, 1946, in its application to the State of Bombay for the purpose here-
1946. inafter appearing; It is hereby enacted in the Seventh Year of the Republic of
India as follows:—

1. This Act may be called the Industrial Employment (Standing Orders) Short title.
(Bombay Amendment) Act, 1956.

XX of 2. In section 2 of the Industrial Employment (Standing Orders) Act, 1946, Amendment
1946. in clause (d),— of section 2
of Act XX of
1946.

(1) for sub-clause (iii) the following shall be substituted, namely:—

“(iii) in any other industrial establishment—

(a) any person responsible to the owner for the supervision and control of
the industrial establishment;

(b) where a person who for the purpose of fulfilling a contract with the owner
of the industrial establishment employs workmen on the premises of the
establishment for the execution of the whole or any part of any work which
is ordinarily part of such establishment then in relation to such workmen, the
owner of the industrial establishment;

(2) sub-clause (iv) shall be deleted.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V, p. 64.



**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY
AMENDMENT) ACT, 1957.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Amendment of long title of Act XX of 1946.
3. Amendment of preamble of Act XX of 1946.
4. Amendment of section 1 of Act XX of 1946.
5. Amendment of section 2 of Act XX of 1946.
6. Insertion of new section 2A in Act XX of 1946.
7. Amendment of section 3 of Act XX of 1946.
8. Deletion of section 4 of Act XX of 1946.
9. Amendment of section 5 of Act XX of 1946.
10. Amendment of section 6 of Act XX of 1946.
11. Amendment of section 7 of Act XX of 1946.
12. Amendment of section 8 of Act XX of 1946.
13. Amendment of section 9 of Act XX of 1946.
14. Amendment of section 10 of Act XX of 1946.
15. Amendment of section 12 of Act XX of 1946.
16. Amendment of section 13 of Act XX of 1946.
17. Amendment of section 13-A of Act XX of 1946.
18. Amendment of section 15 of Act XX of 1946.
19. Amendment of schedule to Act XX of 1946.
20. Consequential.
21. Savings.

BOMBAY ACT No. XXI OF 1958.¹

[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1957.]

[21st February 1958]

An Act to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay.

XX of 1946. WHEREAS it is expedient to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1957. Short title, extent and commencement.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

XX of 1946. 2. In the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as "the said Act") for the long title the following shall be substituted, namely:— Amendment of long title of Act XX of 1946.

"An Act to provide for defining with sufficient precision certain conditions of employment in industrial establishments in the State of Bombay."

3. In the preamble of the said Act, for the portion beginning with the words "to require" and ending with the words "by them", the words "to provide for defining with sufficient precision certain conditions of employment in industrial establishments in the State of Bombay, and for certain other matters" shall be substituted. Amendment of preamble of Act XX of 1946.

4. In sub-section (3) of section 1 of the said Act, for the words "one hundred" the word "fifty" shall be substituted. Amendment of section 1 of Act XX of 1946.

5. In section 2 of the said Act,—

(a) before clause (a), the following new clause shall be inserted, namely:—

'(1a) amendments' means in relation to the model standing orders, any amendments proposed to such orders under section 3 and includes any alterations, variations or additions proposed thereto;";

(b) in clause (d), for sub-clause (iii), the following shall be substituted, namely:—

"(iii) in any other industrial establishment—

(a) any person responsible to the owner for the supervision and control of the industrial establishment;

(b) where a person who, for the purpose of fulfilling a contract with the owner of the industrial establishment, employs workmen on the premises of the establishment for the execution of the whole or any part of any work which is ordinarily part of such establishment then in relation to such workmen, the owner of the industrial establishment;"

Amendment of section 2 of Act XX of 1946.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette, Extraordinary, 1957, Part V, pages 82-84.*

- (c) in clause (e), sub-clause (iv) shall be deleted ;
 (d) after clause (e), the following shall be inserted, namely :—
 “(ee) ‘model standing orders’ means standing orders prescribed under section 15 ;
 (ef) ‘modification’ includes in relation to a standing order, any alteration, variation, addition or deletion in, or to, such order ;”

Insertion of new section 2A in Act XX of 1946.

Application of model standing orders to every industrial establishment.

Amendment of section 3 of Act XX of 1946.

Deletion of section 4 of Act XX of 1946.

Amendment of section 5 of Act XX of 1946.

6. After section 2 of the said Act, the following section shall be inserted, namely :—

“2A. Where this Act applies to an industrial establishment, the model standing orders for every matter set out in the Schedule applicable to such establishment shall apply to such establishment from such date as the State Government may by notification in the *Official Gazette* appoint in this behalf :

Provided that nothing in this section shall be deemed to affect any standing orders which are finally certified under this Act and have come into operation under this Act in respect of any industrial establishment before the date of the coming into force of the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1957”

Bom
XXI
of
1958.

7. In section 3 of the said Act,—

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

“(1) Within six months from the date on which the model standing orders apply to any industrial establishment under section 2A, the employer or any workman employed therein may submit to the Certifying Officer five copies of the draft amendments for adoption in such industrial establishment :

Provided that no amendment which provides for the deletion or omission of any rule in the model standing orders relating to any matter set out in the Schedule shall be submitted under this section.” ;

(b) sub-section (2) shall be deleted ;

(c) in sub-section (3), for the words “draft standing orders” the words “draft amendments” shall be substituted ;

(d) in sub-section (4), for the words “draft of standing orders” the words “draft of amendments” shall be substituted ;

(e) for the marginal note, the marginal note “Submission of amendments” shall be substituted.

8. Section 4 of the said Act shall be deleted.

9. In section 5 of the said Act,—

(a) in sub-section (1),—

(i) after the words “as may be prescribed” the words “or the employer, as the case may be,” and after the word “workmen”, where it occurs for the third time, the words “or employer” shall be inserted ;

(ii) for the words “draft standing orders” the words “draft amendments” shall be substituted ;

(b) in sub-section (2),—

(i) after the words "giving the employer" the words "the workmen submitting the amendments" shall be inserted;

(ii) the words "or addition to" shall be deleted;

(iii) for the words "the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act" the words, brackets and figures "the draft submitted under sub-section (1) of section 3 is necessary," shall be substituted;

(c) in sub-section (3),—

(i) for the words "certify the draft standing orders" the words "certify the draft amendments" shall be substituted;

(ii) for the words "certified standing orders" the words "model standing orders together with copies of the certified amendments thereof" shall be substituted;

(d) in the marginal note, for the words "standing orders" the word "amendments" shall be substituted.

10. In section 6 of the said Act,—

(a) in sub-section (1), for the portion beginning with the words "confirm the standing orders" and ending with the words "certifiable under this Act" the words "confirm the amendments either in the form certified by the Certifying Officer or after further modifying the same as the appellate authority thinks necessary" shall be substituted;

Amendment
of section 6
of Act XX
of 1946.

(b) in sub-section (2),—

(i) for the words "unless it has confirmed without amendment the standing orders" the words "unless it has confirmed without further modifications the amendments" shall be substituted;

(ii) for the words "by copies of the standing orders" the words "by copies of the model standing orders together with the amendments" shall be substituted.

11. In section 7 of the said Act and in the marginal note thereto, after the words "standing orders" the words "or amendments" shall be inserted.

Amendment
of section 7
of Act XX
of 1946.

12. In section 8 of the said Act,—

(a) after the words "all standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(b) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment
of section 8
of Act XX
of 1946.

13. In section 9 of the said Act,—

(a) after the words "standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(b) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment
of section 9
of Act XX
of 1946.

Amendment
of section 10
of Act XX
of 1946.

14. In section 10 of the said Act,—

(a) in sub-section (1),—

(i) after the words "standing orders", at both the places where they occur, the words "or the amendments" shall be inserted ;

(ii) after the words "came into operation" the following shall be added, namely :—

"and where model standing orders have not been amended as aforesaid, the model standing orders shall not be liable to such modification until the expiry of one year from the date on which they were applied under section 2A";

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

"(2) Subject to the provisions of sub-section (1), an employer, workman or any prescribed representatives of workmen desiring to modify the standing orders or the model standing orders together with the amendments, as finally certified under this Act, or the model standing orders applied under section 2A, as the case may be, shall make an application to the Certifying Officer in that behalf, and such application shall be accompanied by five copies of the standing orders, or the model standing orders, together with all amendments thereto as certified under this Act or model standing orders in which shall be indicated the modifications proposed to be made and where such modifications are proposed to be made by agreement between the employer and workmen a certified copy of the agreement shall be filed along with the application";

(c) in sub-section (3), for the words "standing orders" the word "amendments" shall be substituted.

Amendment
of section 12
of Act XX
of 1946.

15. In section 12 of the said Act,—

(a) for the words "standing orders as finally certified under this Act" the words "standing orders or the model standing orders, or model standing orders with all the amendments as finally certified under this Act, as the case may be," shall be substituted ;

(b) in the marginal note, for the words "standing orders" the words "standing orders, etc.," shall be substituted.

Amendment
of section 13
of Act XX
of 1946.

16. In section 13 of the said Act,—

(a) in sub-section (1),—

(i) for the words and figure "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders" the words "who modifies the standing orders, model standing orders or amendments" shall be substituted ;

(ii) for the word and figures "section 10" the words "the provisions of this Act" shall be substituted ;

(iii) for the words "shall be punishable" the words "shall, on conviction, be punished" shall be substituted ;

(b) in sub-section (2), for the words "the standing orders finally certified under this Act for his industrial establishment shall be punishable" the words "the standing orders, model standing orders or the amendments, as finally certified under this Act for his industrial establishment, as the case may be, shall, on conviction, be punished" shall be substituted ;

(c) after sub-section (2), the following new sub-sections shall be inserted, namely:—

“(2A) Whoever contravenes the provisions of this Act or of any rule made thereunder in cases other than those falling under sub-section (1) or sub-section (2), shall, on conviction, be punished 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 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.

(2B) The Court convicting an employer under sub-section (1) or sub-section (2) may direct such employer to pay such compensation as it may determine to any workman directly and adversely affected by the modification or contravention of the standing orders, model standing orders or amendments, as the case may be.

(2C) The compensation awarded under sub-section (2B) may be recovered as if it were a fine and if it cannot be so recovered, the person by whom it is payable shall be sentenced to imprisonment of either description for a term not exceeding three months as the Court thinks fit.”

17. In section 13A of the said Act, after the words “standing order” and in the marginal note thereto after the words “standing orders” the words “model standing order or amendment” shall be inserted; and after the word “workman” the words “or any prescribed representatives of workmen” shall be inserted.

Amendment
of section
13A of Act
XX of 1946.

18. In section 15 of the said Act, in sub-section (2).—

Amendment
of section 15
of Act XX
of 1946.

(a) in clause (a), after the words “standing orders” the words “or amendments” shall be inserted;

(b) in clause (d), for the words “copies of standing orders entered in the register of standing orders” the words and figure “copies of standing orders or model standing orders together with all the amendments filed in the register under section 8” shall be substituted.

19. In the Schedule appended to the said Act,—

Amendment
of Schedule
to Act XX
of 1946.

(a) in the heading—

(i) for the word, figures, brackets and letter “sections 2 (g) and 3 (2)” the word, figure and letter “section 2A” shall be substituted;

(ii) after the words “Standing Orders” the words “, model standing orders and amendments” shall be inserted;

(b) after item 10, the following new item shall be inserted, namely:—

“10A. Age for retirement or superannuation.”

20. In the said Act, in its application to the Saurashtra area of the State of Bombay, in section 7, sub-section (.) inserted by the Industrial Employment Standing Orders (Saurashtra Amendment) Act, 1953, shall be deleted; and section 7 (1) shall be renumbered as section 7 of the said Act.

Sec.
Act
VIII
of
1953.

Consec.
quential.



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Industrial Employment (Standing Orders) [1958 : Bom. XXI
(Bombay Amendment) Act, 1957

Provided that any model standing orders in respect of any industrial establishment referred to in the said sub-section (2) of section 7 deleted as aforesaid, and in operation on the date of the coming into force of this Act, shall be deemed to be the model standing orders prescribed under section 15 of the said Act and applied to the industrial establishment under section 2A ; and the provisions of the said Act shall apply thereto as they apply to the model standing orders duly applied under the said section 2A.

Savings.

21. Nothing in this Act shall be deemed to affect any industrial establishment in respect of which the appropriate Government is the Central Government.





1974 : Mah. LIV]

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**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(MAHARASHTRA AMENDMENT) ACT, 1974.**

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. Amendment of section 2A of Act XX of 1946.
3. Amendment of section 10 of Act XX of 1946.
4. Amendment of Schedule to Act XX of 1946.

**MAHARASHTRA ACT No. LIV OF 1974¹.****[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (MAHARASHTRA AMENDMENT) ACT, 1974.]**

[21st November 1974]

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Maharashtra.

WHEREAS, it is expedient further to amend the Industrial Employment Act, 1946, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-fifth year of the Republic of India as follows :—

1. (1) This Act may be called the Industrial Employment (Standing Orders) (Maharashtra Amendment) Act, 1974. 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 in this behalf.

XX of 1946. 2. In the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Maharashtra (hereinafter referred to as the "principal Act"), section 2A shall be renumbered as sub-section (1) of that section, and after sub-section (1) so renumbered, the following new sub-section shall be added, namely :— Amendment of section 2A of Act XX of 1946.

" (2) Notwithstanding anything contained in the proviso to sub-section (1), model standing orders made in respect of additional matters included in the Schedule after the coming into force of the Act referred to in that proviso (being additional matters relating to probationers or *badlis* or temporary or casual workmen) shall unless such model standing orders are in the opinion of Certifying Officer less advantageous to them than the corresponding standing orders applicable to them under the said proviso also apply in relation to such workmen in the establishments referred to in the said proviso from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf. "

3. In section 10 of the principal Act in sub-section (4), the words " or the Government of the State of Maharashtra " shall be deleted. Amendment of section 10 of Act XX of 1946.

4. In the Schedule appended to the principal Act, after item 10-B the following new item shall be inserted, namely :— Amendment of Schedule to Act XX of 1946.

" 10-C. Employment or re-employment of probationers or *badlis* or temporary or casual workmen, and their conditions of service. "

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1974, Pt. V, p. 19