

# THE MADHYA PRADESH INDUSTRIAL RELATIONS ACT, 1960

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## **THE MADHYA PRADESH INDUSTRIAL RELATIONS ACT, 1960**

[Received the assent of the President on the 17<sup>th</sup> November 1960, assent first published in the 'Madhya Pradesh Gazette ', Extraordinary, on the 31<sup>st</sup> December, 1960. ]

An Act to regulate the relations of employers and employees in certain matters, to make provision for settlement of industrial disputes and to provide for certain other matters connected therewith.

### **PREAMBLE**

Be it enacted by the Madhya Pradesh Legislature in the Eleventh year of the Republic of India as follows -

#### **1. Notification of commencement No. 1.-**

Vide Notification No. 9952- XVI dated 31-12-1960, the Government of Madhya Pradesh declared and directed that all the provisions of the Madhya Pradesh Industrial Relations Act, 1960 other than Section 1 and 112 thereof shall come into force on the 31<sup>st</sup> December, 1960 in respect of the undertakings in the industries specified in the schedule below, wherein the number of employees on any day during 12 months preceding or on the date of this notification or on any day thereafter was or is more than 100.

### **SCHEDULE**

Textile as specified in item 23 of the first schedule to the Industries Development and Regulation Act 1951 (LXV of 1951)

2. Iron and Steel

3. Electric goods

4. Sugar and its by products, including

(i) the growing of sugarcane on farms belonging to or attached to concern engaged in the manufacture of sugar; and

(ii) all agricultural and industrial operations connected with the growing of sugarcane or the said manufacture.

5. Rice Mills.

6. Oil Mills

7. Cement.

8. Potteries (including refractory goods, fire bricks, sanitary wares, insulators, tiles, Stoneware pipes, furnace lining bricks and other ceramic goods.

9. Lime industry.

10. Electricity generation, transmission and distribution.

11. Printing Press.

12. Paper and Straw Board.

13. Asbestos Cement.

14. Shellac.
15. Public Motor Transport.
16. Engineering including manufacture of motor vehicles.
17. Flourmills.
18. Biscuit and Confectionary
19. Glass
20. Starch
21. Vanaspati Ghee
22. Rubber
23. Katha (Catechu)
24. Chemicals as specified in item 19 of the first schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951).
25. Non-metallic Mineral Products.
26. Aluminum Industry.
27. Gelatin Industry.
28. Leather and tanneries, including leather products.
29. "Fertilizers as specified in item 18 of the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951)
30. Drugs and Pharmaceuticals as specified in item 22 of the First Schedule to the Industries (Development and Regulation) Act, 1951.
31. Fermentation Industries as specified in item 26 of the First Schedule to the Industries (Development and Regulation) Act, 1951 (LXV of 1951).
32. Manufacture of Dairy products and its distribution.

**2. Notification regarding commencement No. 2. –**

Vide notification No. 2892-2433-XVI the Government of Madhya Pradesh directed that all the provisions of the said Act, other than sections 1 and 112, shall come into force from the date of publication of this notification (i.e. 17-5-63) in respect of undertakings in the chemicals and chemical products industries wherein the number of employees on any day during 12 months preceding or on the date of notification or on any day thereafter was or more than 100.

**3. Notification regarding commencement No. 3. –**

Vide notification No. 1183 -287-X VI the Madhya Pradesh Government directed that all the provisions of the said Act other than Section 1 and 112 thereof shall come into force from the date of publication of this notification in the Gazette (i.e. 4-3-66) in respect of the undertakings in the Ceramics, including refractory goods fire bricks, sanitary wares, insulators, tiles, stoneware pipes,

furnace lining bricks industries, wherein the number of employees on any day during the 12 months preceding or on the date of publication of this notification or on any day thereafter was or is





more than 100 and also by this notification the schedule mentioned in notification No. I was added by mentioning new item No. 23.

**4. Notification regarding commencement No. 4. –**

Vide Notification No. 4109-33 87-XVI dated 14-6-66 the Government of Madhya Pradesh directed that all the provision of this Act other than Sections I and I 12 thereof shall come into force from the date of the publication of this notification in the Gazette (i.e.) I - 7-66 in respect of the undertakings in the potteries, including refractory goods, fire bricks, sanitary wares, stone ware pipes, furnace lining brick and other ceramics goods wherein the number of employees on any day during the 12 months preceding on the date of publication of this notification or on any day thereafter was or is more than 100 and made the following amendment in the original notification No. I dated 31- 12- 1960 accordingly.

**2. Definition –**

In this Act unless the context otherwise requires -

1[(1) \* \*]

(2) '**arbitration proceeding**', means -

(i) Any proceeding under this Act before an arbitrator, or

(ii) Any proceeding in arbitration before a Labour Court, the Industrial Court or a Board.

(3) '**arbitrator**' means an arbitrator to whom a dispute is referred for arbitration under this Act and includes an umpire,

(4) '**association of employers**' means any combination of employers recognised by the State Government under section 24;

(5) '**award**' means any interim, final or supplementary determination in an arbitration proceeding of any industrial dispute or of any question relating thereto;

(6) '**Board**' means a Board of Arbitration Constituted under section 11;

(7) '**change**' means an alteration in an industrial matter;

(8) '**closure**' means the closing of any place or part of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, whether such closing, suspension or refusal is or is not in consequence of an industrial dispute;

(9) '**Commissioner of Labour**' means the Commissioner of Labour appointed under sub-section (1) of sec. 3;

(10) '**Conciliation proceeding**' means any proceeding held by a Conciliator under this Act;;

(11) '**Conciliator**' means any Conciliator appointed under sec. 4 and includes the Chief Conciliator;

(12) '**Court of Enquiry**' means a Court constituted under section 79;

(13) **'employee'** means any person employed in any industry to do any skilled, unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and includes -

(a) a person employed by a contractor to do any work for him in the execution of a contract with an employer within the meaning of sub clause (e) of clause 14; and

(b) an apprentice other than an apprentice under sub-clause (v) but does not include any person -  
(i) who is subject to the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950), or the Navy Discipline Act 1957(62 of 1957); or

(ii) who is employed in the Police Service or as an officer or other employee of prison: or

(iii) who is employed mainly in a managerial capacity; or

z[(iv) who being employed in a supervisory capacity draws wages exceeding one thousand and six hundred rupees per mensum; or]

(v) who is a craftsman or an apprentice working under a scheme approved by the State Government on the condition that such craftsman or apprentice shall not be deemed to be an employee under this Act:

**Explanation** - An employee who has been dismissed, discharged or retrenched from employment or whose employment has been otherwise terminated shall, in respect of matters relating to such dismissal, discharge, retrenchment or termination, be deemed to be an employee for the purposes of this Act;

#### **COMMENTS**

Employee was designated as 'supervisor' but he was required to the work of maintenance of records, to bring stationary from Depot, maintain about 35 registers etc. He was not authorised to grant leave or take disciplinary action etc. against employee industrial court observed that the employee was an employee under section 2(13) of the Act.

**(Suptd. Engineer, M. P. E. B., Ujjain v/s Ramesh Chandra Gupta 1996 M. P. L S. R. 145 M. P. Industrial Court, Indore)**

Appellant claiming salary of suspension period, T. A. and D. A. of various transfers while appellant retired on 16/7/1978. Held that as appellant is already retired he is not covered under definition of employee.

**(Badulla Khan v/s M. P. S. R. T. C. and another 1996 M. P. L. S. R. 216 M. P. Industrial Court)**

(14) **'employer'** includes -

(a) an association or group of employers,

(b) any agent of an employer,

(c) where an industry is conducted or carried on by a department of the Central or the State Government, the authority prescribed in that behalf, and where no such authority has been prescribed, the head of the department,

(d) where an industry is conducted or carried on by or on behalf of a local authority, the Chief Executive Officer of the authority;

(e) where the owner of any undertaking in the course of or for the purpose of conducting the undertaking contracts with any person for the execution or under the contractor of the whole or any part of any work which is ordinarily part of the undertaking, the owner of the undertaking.

(15) '**illegal change**' means an illegal change within the meaning of section 34.

(16) '**Industrial Court**' means the Court constituted under Section 9.

(17) '**Industrial Dispute**' means any dispute or difference between an employer and employee or between employers and employees or between employers and employees and which is connected with any industrial matter.

(18) '**Industrial matter**' means any matter relating to employment, work, wages, hours of work, privileges, rights or duties of employers or employees or the mode, terms and conditions of employment or refusal to employ and includes the mode, terms and conditions of employment or refusal to employ and includes,

(i) all matters pertaining to -

(a) the relationship between employers and employees,

(b) the dismissal or non-employment of any person.

(c) the demarcation of functions of any employee or classes of employees,

(d) any right or claim under or in respect of or concerning a registered agreement or a submission, settlement or award made under this Act, and

(ii) all questions of what is Fair and right in relation to any such matter having regard to the interest of the person immediately connected and of the community as a whole.

(19) '**Industry**' means-

(a) any business, trade, manufacture or undertaking or calling of employers,

(b) any calling, service, employment, handicraft, or industrial occupation or avocation of employees; and includes -

(i) agriculture and agriculture operations;

(ii) any branch of an industry or group of industries which the State Government may by notification, declare to be an industry for the purposes of this Act,

## COMMENTS

The word "Engineering" should be construed in a generic sense. It, in general, means construction of building, roads, bridges, dams etc. Irrigation Dep't. is therefore, a specified industry.

**(State of M. P. irrigation Dep't. v/s Unkarlal & ors. 1996 M. P. S. L. R. 102 M.P. Industrial Court, Indore)**

(20) '**Joint Committee**' means a Joint Committee constituted under section 36.

(21) '**Labour Court**' means a Labour Court constituted under section 8.

(22) '**Labour officer**' means a Labour Officer appointed under sub-section (I) of sec. 6 and includes a Deputy Labour Officer while exercising the powers and performing the duties of a Labour Officer as may be assigned to him by the Commissioner of Labour Officers under sub-section (3) of section 6.

(23) '**Local area**' means any area notified as a local area for any or all industries and for all or any of the purpose of this Act.

Provided that such area shall not comprise of more than one revenue district. 3[Provided further that such area may, for reasons to be recorded in writing comprise of more than one revenue district including the entire State.]

(24) '**Lock-out**' means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, whether such closing, suspension or refusal occurs in consequence or in anticipation of an industrial dispute and is intended for the purpose of -

(a) compelling any of the employees directly affected by such closing, suspension or refusal or any of his other employees, or

(b) aiding any other employer in compelling persons employed by him to accept any term or condition of or affecting employment.

(25) '**Member**' means a person who is an ordinary member of a union and who has paid a subscription of not less than 4[one rupee] per month.

Provided that no person shall at any time be deemed to be a member if his subscription is in arrears for a period of two months or more next preceding such time.

**Explanation** - A subscription for a particular month shall, for the purposes of this clause, be deemed to be in arrears if such, subscription is not paid by the end of the month in respect of which it is due.

(26) '**Registrar**' means the Registrar under section 5 and if no such person is appointed, the Registrar of Trade Unions under the Indian Trade Unions Act, 1926 (XVI of 1926), and includes an Assistant Registrar while exercising such powers and performing such duties of the Registrar as may be conferred or imposed on him by or under this Act.

(27) '**Representative of employees**' means a representative of employees entitled to appear or act as such under section 27.

(28) **'Representative union'** means a union for the time being registered as a Representative Union under this Act.

(29) **'Settlement'** means a settlement arrived at during the course of a conciliation proceeding under this Act.

(30) **'Standing orders'** means standing orders as defined in 5[the Madhya Pradesh industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961)];

(31) **'Stoppage'** means a total or partial cessation of work by the employees in industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work, whether such cessation or refusal is or is not in consequence of an industrial dispute.

(32) **'Strike'** means a total or partial cessation of work by the employees in an industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work, where such cessation or refusal is in consequence or in anticipation of an industrial dispute;

(33) **'Undertaking'** means a concern in any industry;

(34) **'Union'** means a Trade Union of employees which is registered under the Indian Trade Union Act, 1926 (XVI of 1926).

(35) **'Wages'** means remuneration of all kinds capable of being expressed in terms of money and payable to the employee in respect of his employment or work done in such employment and includes -

(i) any bonus, allowances (including dearness allowance), reward or additional remuneration;

(ii) the value of any house accommodation, light, water, medical attendance or other amenity or service;

(iii) any wages payable for the period of leave;

(iv) any compensation payable for lay-off or retrenchment;

(v) any contribution by the employer to any social security scheme, pension or provident fund;

(vi) any gratuity payable on discharge;

(vii) any travelling allowance or value of any travelling concession;

(viii) any sum paid or payable to or on behalf of an employee to defray special expenses entailed on him by the nature of his employment; and

(ix) any amount payable to an employee under any law for the time being in force for the protection of rights of employees or for regulating their relations with the employers, or under any award, settlement or agreement.

## NOTIFICATION

1. Vide Notification No. (4E)-8-75-196-XVI dated 30/6/75- And in supersession of all the notification issued previously in this behalf, the State Government hereby notifies the areas specified in Column (I) of the Schedule below as local areas for the industries specified in corresponding entries against them in column (2) of the said schedule, and for all the purposes of the said Act.

### SCHEDULE AREAS (1)

Areas comprised in each of the Revenue District of Madhya Pradesh

### INDUSTRIES (2)

- (i) Iron and Steel
- (ii) Electrical Goods
- (iii) Rice Mills
- (iv) Oil Mills
- (v) [Omitted]
- (vi) Lime Industry
- (vii) Printing Press
- (viii) Paper and Straw Board
- (ix) Asbestos Cement
- (x) Shellac
- (xi) Public Motor Transport and electricity generation transmission and distribution industry
- (xii) Flour Mills
- (xiii) Biscuit and Confectionery
- (xiv) Glass
- (xv) Starch
- (xvi) Vanaspati Ghee (Hydrogenated Oil)
- (xvii) Rubber
- (xviii) Katha (Catechu)
- (xix) Non-Metallic Mineral Products
- (xx) Gelatin
- (xxi) Alluminium
- (xxii) Sugar and it's by products including - (i) Grossing of sugarcane on farms belonging to or attached to concern engaged in the manufacture of sugar, and (ii) all agricultural and industrial operations connected with the growing of sugarcane or the said manufacture.