

Rep. by Act 56 of 1974, s. 2 & sch I

THE INDUSTRIAL EMPLOYMENT (STANDING
ORDERS) AMENDMENT ACT, 1963

No. 39 OF 1963

[2nd December, 1963]

An Act further to amend the Industrial Employment (Standing
Orders) Act, 1946.

BE it enacted by Parliament in the Fourteenth Year of the
Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Industrial Employment (Stand-
ing Orders) Amendment Act, 1963.

(2) It shall come into force on such date¹ as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

Amendment
of section 1.

2. In section 1 of the Industrial Employment (Standing Orders)
Act, 1946 (hereinafter referred to as the principal Act),—

20 of 1946

(i) in sub-section (3), the second proviso shall be omitted;

(ii) after sub-section (3), the following sub-section shall
be inserted, namely:—

(4) Nothing in this Act shall apply to—

(i) any industry to which the provisions of Chapter
VII of the Bombay Industrial Relations Act, 1946 apply;
or

Bombay
Act 11 of
1947.

(ii) any industrial establishment to which the pro-
visions of the Madhya Pradesh Industrial Employment
(Standing Orders) Act, 1961 apply:

Madhya
Pradesh A
26 of 1961.

¹ 23-12-1963; vide Notification No. S.O. 3594, dated 23-12-1963, Gazette of
India, Extraordinary, Pt. II, Sec. 3(ii), p. 881.

Madhya
Pradesh
Act 26
of 1961.

Provided that notwithstanding anything contained in the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961, the provisions of this Act shall apply to all industrial establishments under the control of the Central Government.'

3. In section 2 of the principal Act, for clause (a), the following clause shall be substituted, namely:— Amendment
of section
2.

'(a) "appellate authority" means an authority appointed by the appropriate Government by notification in the Official Gazette to exercise in such area as may be specified in the notification the functions of an appellate authority under this Act:

Provided that in relation to an appeal pending before an Industrial Court or other authority immediately before the commencement of the Industrial Employment (Standing Orders) Amendment Act, 1963, that Court or authority shall be deemed to be the appellate authority;'

4. In section 10 of the principal Act,— Amendment
of section
10.

(i) in sub-section (2), the words 'the standing orders in which shall be indicated' shall be omitted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

'(4) Nothing contained in sub-section (2) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra.'

5. Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment
of section
11.

"(2) Clerical or arithmetical mistakes in any order passed by a Certifying Officer or appellate authority, or errors arising therein from any accidental slip or omission may, at any time, be corrected by that Officer or authority or the successor in office of such Officer or authority, as the case may be."

Insertion
of new
section
12A.

6. After section 12 of the principal Act, the following section shall be inserted, namely:—

Temporary
application
of model
standing
orders.

"12A. (1) Notwithstanding anything contained in sections 3 to 12, for the period commencing on the date on which this Act becomes applicable to an industrial establishment and ending with the date on which the standing orders as finally certified under this Act come into operation under section 7 in that establishment, the prescribed model standing orders shall be deemed to be adopted in that establishment, and the provisions of section 9, sub-section (2) of section 13 and section 13A shall apply to such model standing orders as they apply to the standing orders so certified.

(2) Nothing contained in sub-section (1) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra."

Substitution
of new
section
for section
14A.

7. For section 14A of the principal Act, the following section shall be substituted, namely:—

Delegation
of powers.

"14A. The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also—

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification;

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification."