



P.L. Malik's

Industrial Law

**WITH
FREE
CD**

Volume 1

24th Edition by
Sumeet Malik

70 years
1942-2012
As India's leading law information provider



**Eastern
Book
Company**

India's leading law information provider

+

+

Industrial Law

VOL. I

AIR PREVENTION

to

ENVIRONMENT PROTECTION

+

+

+

+

P.L. Malik's
Industrial Law

*A Manual of Central Labour and Industrial Laws incorporating State
Amendments with Rules, Regulations, Select Notifications and case law*

Twenty Fourth Edition
by

SUMEET MALIK
and
SCC Editorial Office

VOLUME I



EASTERN BOOK COMPANY
LUCKNOW

+

+

EASTERN BOOK COMPANY

Website: www.ebc.co.in, E-mail: sales@ebc-india.com

- **Lucknow:** 34, Lalbagh, Lucknow – 226 001
Phones : +91-522-4033601 (30 lines), Fax : +91-522-4033633
- **New Delhi:** 5-B, Atma Ram House, 5th Floor
1, Tolstoy Marg, Connaught Place, New Delhi – 110 001
Phones : +91-11-45752323, +91-9871197119, Fax : +91-11-41504440
- **Delhi:** 1267, Kashmere Gate, Old Hindu College Building, Delhi – 110 006
Phones : +91-11-23917616, +91-9313080904, Fax : +91-11-23921656
- **Bangalore:** 25/1, Anand Nivas, 3rd Cross, 6th Main, Gandhinagar, Bangalore – 560 009
Phone : +91-80-41225368
- **Allahabad:** Manav Law House, 8/10, M.G. Marg,
Opp. Bishop Johnson School, Allahabad – 211 001
Phones : +91-532-2560710, 2422023, Fax : +91-532-2623584
- **Ahmedabad:** Satyamev Complex-1, Ground Floor, Shop No. 7
Opp. High Court Gate No. 2 (Golden Jubilee Gate)
Sarkhej – Gandhinagar Highway Road, Sola, Ahmedabad-380 060
Phones: +91-9228012539, +91-75679003245



www.facebook.com/easternbookcompany



www.twitter.com/ebcindia

Shop online at: www.ebcwebstore.com

First Edition 1953	Tenth Edition 1971	Nineteenth Edition 2004
Second Edition 1955	Eleventh Edition 1974	Twentieth Edition 2007
Third Edition 1957	Twelfth Edition 1977	Twenty First Edition 2008
Fourth Edition 1960	Thirteenth Edition 1980	Twenty Second Edition 2009
Fifth Edition 1961	Fourteenth Edition 1985	Updated Edition 2010
Sixth Edition 1963	Fifteenth Edition 1989	Twenty Third Edition 2011
Seventh Edition 1964	Sixteenth Edition 1992	Updated Edition 2012
Eighth Edition 1966	Seventeenth Edition 1996	
Ninth Edition 1968	Eighteenth Edition 1999	

Twenty Fourth Edition, 2013

Price ₹## per set of two volumes

ISBN - Vol. I : 93-5028-901-6

ISBN - Full Set : 93-5028-903-2



9 789350 028901 3



9 789350 028903 2

All rights reserved. No part of this work may be copied, reproduced, adapted, abridged or translated, stored in any retrieval system, computer system, photographic or other system or transmitted in any form by any means whether electronic, mechanical, digital, optical, photographic or otherwise without a prior written permission of the copyright holders, EBC Publishing Pvt. Ltd., Lucknow. Any breach will entail legal action and prosecution without further notice.

This book is sold subject to the condition that it, or any part of it, shall not by way of trade or otherwise, be sold, lent, re-sold, displayed, advertised or otherwise circulated, without the publishers' prior written consent, in any form of binding, cover or title other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser(s). Any breach of any of these rights or conditions will entail civil and criminal action without further notice.

While every effort has been made to avoid any mistake or omission, this publication is being sold on the condition and understanding that neither the author nor the publishers or printers would be liable in any manner to any person by reason of any mistake or omission in this publication or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this work. For any error in the text or any defect in printing or binding, the publishers will be liable only to replace the defective copy by another corrected copy of this work then available.

All disputes subject to the exclusive jurisdiction of courts, tribunals and forums at Lucknow only.

Copyright © EBC PUBLISHING PVT. LTD., LUCKNOW

PUBLISHER : EBC PUBLISHING (P) LTD., LALBAGH, LUCKNOW – 226 001

PRINTER : ARMY PRINTING PRESS, SADAR, CANTT., LUCKNOW – 226 002

Preface

Since the previous edition, there have been many amendments to the various Acts, Rules, Regulations and Schemes etc. Hence the imperative need for a new edition of this work incorporating all these amendments and changes.

This new edition has been fully updated and the relevant amendments incorporated at the relevant places. Through the various editions, the expanse of the publication has been increased to make it more useful to the industry, the legal practitioners, the courts and the enforcement agencies by including some more related legislations with their rules.

The case-law under various Statutes has also been fully updated and relevant rulings have included under the 'Case Law' to each Section or Rule.

Some of the major labour laws that have been affected by recent amendments, and have been updated herein, are –

- Apprenticeship Rules, 1992
- Employees' Provident Funds Scheme, 1952
- Employees' Pension Scheme, 1995
- Employees' Deposit Linked Insurance Scheme, 1976
- Employees' State Insurance (Central) Rules, 1950
- Employees' State Insurance (General) Regulations, 1950
- Environment Protection Rules, 1986
- Industrial Disputes Act, 1947
- Mines and Minerals (Development and Regulation) Act, 1957
- Minimum Wages Act, 1948
- Water (Prevention and Control of Pollution) Rules, 1975

New Laws added are:

- Collection of Statistics Rules, 2011
- E-waste (Management and Handling) Rules, 2011
- Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971
- Mahatma Gandhi National Rural Employment Guarantee Act, 2005

+

+

-
- National Rural Employment Guarantee (Central Council) Rules, 2006
 - National Employment Guarantee Fund Rules, 2006
 - Mahatma Gandhi National Rural Employment Guarantee Audit of Schemes Rules, 2011
 - Minimum Wages (Central Advisory Board) Rules, 2011
 - National Green Tribunal (Practices and Procedure) Rules, 2011
 - Provident Funds Act, 1925

It was felt that there is little requirement of the Administrative Tribunals Act, 1985 to an industry or industrial organisation and therefore it has been removed from this compilation.

The name of Workmen's Compensation Act, 1923 has been changed to Employees' Compensation Act, 1923 and therefore it is published under the letter "E". All the rules under the Act, though still called the Workmen's Compensation Rules, 1924 and allied rules are published after the Act.

Special care has been taken to maintain the authoritativeness of this work through proper editing and careful insertion of all the amendments and new provisions. This is in keeping with the high confidence reposed by the readers of this publication.

A novel feature of the work is the inclusion of a CD-ROM containing the various labour law forms of daily need, which the reader can print himself and use.

All purchaser will be entitled to a Free Web Updates covering all amendments of 2013. Please see details on page XVI for registration for the free updates.

The release of this new edition fills me with gratitude towards the many enthusiastic readers and well-wishers of this work whose encouragement and support has sustained our efforts for more than five decades to bring out, with the grace of the almighty, the Twenty-fourth Edition of this encyclopaedic work. I am equally thankful for the assistance and contribution of all those who have been associated with the production of this work and in ensuring its quality and accuracy.

I would be grateful to receive the comments and suggestions of our readers and well-wishers for further improvement of this work.

February 11, 2013

– SUMEET MALIK

+

+

Contents

Contents of Volume I	<i>Pages</i>
TABLE OF CASES	XVII
1. Air (Prevention & Control of Pollution) Act, 1981	1
Air (Prevention & Control of Pollution) Rules, 1982	37
2. Apprentices Act, 1961	49
(i) Notifications	73
(ii) Apprenticeship Rules, 1992	112
(iii) Central Apprenticeship Council Rules, 1962	197
3. Beedi and Cigar Workers (Conditions of Employment) Act, 1966	200
4. Beedi Workers Welfare Cess Act, 1976	222
Beedi Workers Welfare Cess Rules, 1977	225
5. Beedi Workers Welfare Fund Act, 1976	226
Beedi Workers Welfare Fund Rules, 1978	232
6. Boilers Act, 1923 (Indian)	263
Indian Boilers (Gujarat Amendment) Act, 1990	282
7. Bonded Labour System (Abolition) Act, 1976	283
Bonded Labour System (Abolition) Rules, 1976	294
8. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	297
Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Central Rules, 1998	325

+

+

	<i>Pages</i>
9. Building and Other Construction Workers Welfare Cess Act, 1996	446
Building and Other Construction Workers Welfare Cess Rules, 1998	452
10. Central Industrial Security Force Act, 1968	459
11. Child Labour (Prohibition and Regulation) Act, 1986	473
Child Labour (Prohibition and Regulation) Rules, 1988	487
12. Children (Pledging of Labour) Act, 1933	491
13. Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981	493
Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984	505
14. Cine-Workers Welfare Cess Act, 1981	513
Cine-Workers Welfare Cess Rules, 1984	516
15. Cine-Workers Welfare Fund Act, 1981	519
Cine-Workers Welfare Fund Rules, 1984	523
16. Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948	555
Coal Mines Pension Scheme, 1998	574
17. Coir Industry Act, 1953	596
18. Collection of Statistics Act, 2008	606
Collection of Statistics Rules, 2011	617
19. Contract Labour (Regulation and Abolition) Act, 1970	626
(i) Notifications	652
(ii) Contract Labour (Regulation and Abolition) Central Rules, 1971	659
(iii) Contract Labour (Regulation and Abolition) Central Rules, 1971 – Construction and Maintenance of Creches	697

+

+

	<i>Pages</i>
20. Dangerous Machines (Regulation) Act, 1983	700
Dangerous Machines (Regulation) Rules, 2007	715
21. Dock Workers (Regulation of Employment) Act, 1948	733
(i) Dock Workers (Advisory Committee) Rules, 1962	742
(ii) Dock Workers (Regulation of Employment) Rules, 1962	745
22. Dock Workers (Safety, Health and Welfare) Act, 1986	751
(i) Dock Workers (Safety, Health and Welfare) Rules, 1990	763
(ii) Dock Workers (Safety, Health and Welfare) Regulations, 1990	768
23. Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997	853
24. Emigration Act, 1983	855
Emigration Rules, 1983	875
25. Employees' Compensation Act, 1923	895
(i) Workmen's Compensation Rules, 1924	976
(ii) Workmen's Compensation (Transfer of Money) Rules, 1935	997
(iii) Workmen's Compensation Returns	999
(iv) Workmen's Compensation (Venue of Proceedings) Rules, 1996	1002
26. Employees' Provident Funds and [Miscellaneous Provisions] Act, 1952	1005
(i) Employees' Provident Funds Scheme, 1952	1110
(ii) Employees' Pension Scheme, 1995	1228
(iii) Employees' Deposit-linked Insurance Scheme, 1976	1273
(iv) Employees' Provident Funds Appellate Tribunal (Procedure) Rules, 1997	1298

+

+

X

INDUSTRIAL LAW

	<i>Pages</i>
27. Employees' State Insurance Act, 1948	1307
(i) Employees' State Insurance (Central) Rules, 1950	1409
(ii) Employees' State Insurance (General) Regulations, 1950	1437
(iii) Employees' State Insurance Corporation (General Provident Fund) Rules, 1995	1507
(iv) Other Beneficiaries and Members of their Families Medical Facilities Scheme, 2010	1537
28. Employers' Liability Act, 1938	1539
29. Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959	1541
Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960	1547
30. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993	1553
Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) (Central) Rules, 1997	1564
31. Environment (Protection) Act, 1986	1568
(i) Environment (Protection) Rules, 1986	1581
(ii) Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008	1703
(iii) Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996	1752
(iv) Bio-Medical Waste (Management and Handling) Rules, 1998	1772
(v) Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989	1785
(vi) E-waste (Management and Handling) Rules, 2011	1819

+

+

+

+

XI

Contents of Volume II
Pages

TABLE OF CASES

XVII

32. Equal Remuneration Act, 1976	1841
Equal Remuneration Rules, 1976	1870
33. Factories Act, 1948	1875
34. Fatal Accidents Act, 1855	1971
35. Industrial Disputes Act, 1947	1976
APPENDIX I.—Extracts from State Amendments	2153
APPENDIX II.—Central Rules under the Industrial Disputes Act, 1947	2161
(1) Industrial Tribunal (Procedure) Rules, 1949	2161
(2) Industrial Tribunal (Central Procedure) Rules, 1954	2161
(3) Industrial Tribunal (Central) Rules, 1957	2162
APPENDIX III.—Industrial Disputes (Banking and Insurance Companies) Act, 1949	2208
36. Industrial Employment (Standing Orders) Act, 1946	2211
(i) Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1957 (Bom. Act XXI of 1958), Sections 20 and 21	2234
(ii) Industrial Employment (Standing Orders) Central Rules, 1946	2235
37. Industries (Development and Regulation) Act, 1951	2261
38. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	2304
Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980	2322
39. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act, 1976	2360

+

+

+

+

XII

INDUSTRIAL LAW

	<i>Pages</i>
40. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976	2367
41. Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988	2375
42. Limestone and Dolomite Mines Labour Welfare Fund Act, 1972	2385
Limestone and Dolomite Mines Labour Welfare Fund (Amendment) Act, 1982	2393
43. Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971	2394
44. Mahatma Gandhi National Rural Employment Guarantee Act, 2005	2420
(i) National Rural Employment Guarantee (Central Council) Rules, 2006	2450
(ii) National Employment Guarantee Fund Rules, 2006	2455
(iii) Mahatma Gandhi National Rural Employment Guarantee Audit of Schemes Rules, 2011	2458
45. Maternity Benefit Act, 1961	2462
Maternity Benefit (Mines and Circus) Rules, 1963	2475
46. Mica Mines Labour Welfare Fund Act, 1946	2492
47. Mines Act, 1952	2495
(i) Mines Rules, 1955	2546
(ii) Mines Rescue Rules, 1985	2602
(iii) Mines Creche Rules, 1966	2624
48. Mines and Minerals (Development and Regulation) Act, 1957	2633
49. Minimum Wages Act, 1948	2673
(i) Minimum Wages (Central) Rules, 1950	2743
(ii) Notification	2770
(iii) Minimum Wages (Central Advisory Board) Rules, 2011	2771

+

+

+

+

CONTENTS OF VOL. II

XIII

	<i>Pages</i>
50. Motor Transport Workers Act, 1961	2775
51. National Green Tribunal Act, 2010	2792
National Green Tribunal (Practices and Procedure) Rules, 2011	2813
52. Payment of Bonus Act, 1965	2829
(i) Notification	2871
(ii) Payment of Bonus Rules, 1975	2872
(iii) Payment of Bonus (Second Amendment) Act, 1985	2875
(iv) Payment of Bonus (Amendment) Act, 1985	2876
(v) Payment of Bonus (Amendment) Ordinance, 1985	2877
(vi) Payment of Bonus (Amendment) Act, 1995	2877
(vii) Payment of Bonus (Amendment) Act, 2007	2878
53. Payment of Gratuity Act, 1972	2880
(i) Payment of Gratuity (Second Amendment) Act, 1984	2907
(ii) Payment of Gratuity (Central) Rules, 1972	2907
54. Payment of Wages Act, 1936	2933
(i) Payment of Wages (Procedure) Rules, 1937	2982
(ii) Payment of Wages (Procedure) Application to Scheduled Employments Rules, 1962	2988
(iii) Payment of Wages (Manner of Recovery of Excess Deductions) Rules, 1966	2989
(iv) Rules Regarding Imposition of Penalties	2989
(v) Payment of Wages (Air Transport Services) Rules, 1968	2991
(vi) Payment of Wages (Mines) Rules, 1956	3006
(vii) Payment of Wages (Railways) Rules, 1938	3021
(viii) Payment of Undisbursed Wages (Air Transport Service) Rules, 1988	3035
(ix) Payment of Undisbursed Wages (Mines) Rules, 1989	3043
(x) Payment of Wages (Deductions for National Defence Fund and Defence Savings Scheme) Rules, 1972	3052
(xi) Payment of Wages (Nomination) Rules, 2009	3053

+

+

+

+

	<i>Pages</i>
55. Personal Injuries (Compensation Insurance) Act, 1963	3056
(i) Personal Injuries (Compensation Insurance) Scheme, 1972	3068
(ii) Personal Injuries (Compensation Insurance) Rules, 1972	3086
56. Personal Injuries (Emergency Provisions) Act, 1962	3090
Personal Injuries (Emergency Provisions) Amendment Act, 1971 (Extract)	3095
57. Plantations Labour Act, 1951	3096
58. Private Security Agencies (Regulation) Act, 2005	3119
Private Security Agencies Central Model Rules, 2006	3129
59. Provident Funds Act, 1925	3143
60. Public Liability Insurance Act, 1991	3159
(i) Notifications	3170
(ii) Public Liability Insurance Rules, 1991	3176
61. Sales Promotion Employees (Conditions of Service) Act, 1976	3182
Sales Promotion Employees (Conditions of Service) Rules, 1976	3189
62. Sick Industrial Companies (Special Provisions) Act, 1985	3197
Sick Industrial Companies (Special Provisions) Repeal Act, 2003	3229
63. Trade Unions Act, 1926	3233
Central Trade Union Regulations, 1938	3267
64. Unorganised Workers' Social Security Act, 2008	3275
Unorganised Workers' Social Security Rules, 2009	3284
65. Water (Prevention and Control of Pollution) Act, 1974	3288
Water (Prevention and Control of Pollution) Rules, 1975	3330

+

+

+

+

CONTENTS OF VOL. II

XV

	<i>Pages</i>
66. Water (Prevention and Control of Pollution) Cess Act, 1977	3361
Water (Prevention and Control of Pollution) Cess Rules, 1978	3371
67. Weekly Holidays Act, 1942	3379
68. Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955	3383
(i) Working Journalists Wage Board Rules, 1956	3401
(ii) Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957	3404
(iii) Working Journalists and Other Newspaper Employees Tribunal Rules, 1979	3416
69. Working Journalists (Fixation of Rates of Wages) Act, 1958	3418
Working Journalists (Fixation of Rates of Wages) Rules, 1958	3425
70. Workmen's Compensation Act, 1923 [See under Employees' Compensation Act, 1923]	
ABBREVIATIONS USED IN THE SUBJECT INDEX	3428
SUBJECT INDEX	3433

+

+

+

+

Free Web Updates

To keep this work up-to-date, each purchaser of this set will be entitled to a **Free Web Updates covering all amendments of 2013**.

You may register through the internet at www.ebcwebstore.com/industriallaw and use your *unique code* pasted on the cover of Volume I.

We suggest that you register yourself rightway lest you forget in your busy schedule.

For any clarification, please call our service centre at +91-9935096000 and 0522-4033601 or e-mail us at sales@ebc-india.com.

—PUBLISHERS

+

+

P.L. Malik's Industrial Law is an encyclopaedia of all Central Acts (with State Amendments), Rules, Regulations, Notifications and Orders along with copious caselaw under important sections. Special effort has been made to include caselaw that is relevant to industry today.

This new 24th Edition has been fully updated and all amendments which were passed since the publication of the last edition have been incorporated at the relevant places. The coverage of this publication has been increased by including some more related legislation with their rules.

New laws added in the 24th Edition are:

- Collection of Statistics Rules, 2011.
- E-waste (Management and Handling) Rules, 2011.
- Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.
- Mahatma Gandhi National Rural Employment Guarantee Act, 2005.
- National Rural Employment Guarantee (Central Council) Rules, 2006.
- National Employment Guarantee Fund Rules, 2006.
- Mahatma Gandhi National Rural Employment Guarantee Audit of Schemes Rules, 2011.
- Minimum Wages (Central Advisory Board) Rules, 2011.
- National Green Tribunal (Practices and Procedure) Rules, 2011.
- Provident Funds Act, 1925.

The Subject Index has been comprehensively revised so as to enable the reader reach the desired statutory provisions effortlessly. Table of Cases at the beginning of each volume makes the search of relevant law, quick and convenient. Another novel feature of the book is the inclusion of a CD-ROM containing the various labour law forms which are printable and ready for instant use.

Free Online Web Updates covering all amendments till December 2013 will be available by registering at www.ebcwebstore.com/industriallaw.

The book is a must for the Industry and Industrial houses and their legal departments, the judiciary, labour lawyers and labour advisors, personnel managers, labour commissioners, labour inspectors and students of ICWA, CA, CS.

Review

"The managements of industrial undertakings need a compendium which can provide them in one binder all the relevant Acts, Rules etc...We take pleasure in affirming that this book.....serves this purpose." – *Journal of the Institute of Company Secretaries of India*



₹ 2990 (per set)