

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1948

APPLICATION AND OBJECT

Section (1) of the industrial employment (standing orders) Act, 1946 stipulates that the Act applies to every industrial establishment wherein 100 or more workmen are employed or were employed on any day of the preceding 12 months. The Act requires the employers to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them.

VOLUNTARY APPLICATION OF THE ACT

A Notification was issued vide G.O.Ms.No.5/2003/Lab/L dated 13.2.2003 and published in the Official Gazette No.15 dated 13.2.2003 for extending the Act to industrial establishments employing less than 100 workmen in which the employers voluntarily apply for certification of Standing Orders.

APPLICATION AND CERTIFICATION

As per section 3 of the Act, within six months from the date on which the Act applies to an industrial establishment, the employer shall submit the application for certification of Standing Orders in Form I (Appendix A) enclosing 5 copies of draft Standing Orders proposed for certification. The draft shall provide only for those matters set out in the Schedule to the Act. A statement containing the following particulars shall also be enclosed.

Total number employed,
Number of permanent workmen,
Number of temporary workmen,
Number of casual workmen,
Number of probationers,
Number of apprentices,
Name of the trade union or trade unions, if any, to which the workmen belong.

A group of employers in similar industrial establishments may submit a joint draft Standing Orders for certification. On receipt of draft Standing Orders the Certifying Officer will forward the draft to the trade union of the establishment and where no such trade union exists, to the representatives of workmen elected in a meeting convened by the Certifying Officer. The Trade Unions or the representatives of workmen, as the case may be, will be required to give their objection to the draft within 15 days from the date of its receipt. Thereafter, opportunity of being heard will be given to the parties and the Certifying Officer after ascertaining as to whether the draft is in conformity to the Model Standing Orders in so far as is practicable and adjudicating upon its fairness and reasonableness will make an order in writing on the modification or addition required to the draft. In terms of the said order, the Certifying Officer will certify the Standing Orders and forward the same to the parties.

APPEAL

An appeal on the order of the Certifying Officer will lie in the District Court and the appeal has to be filed within 30 days from the date on which copies of certified Standing Orders are sent. The appellate authority may either confirm the certified Standing Orders or amend by making modifications thereof or additions thereto, as may be necessary. The certified Standing Orders come into operation with effect from the 30th day from the day on which its copies are sent to the parties or from the 7th day on which the appellate order is served on the parties. From the date on which the Act becomes applicable and ending with the date on which the certified Standing Orders come into operation the Model Standing Orders are temporarily applicable. The certified Standing Orders shall be posted in a notice-board at a conspicuous place of the establishment and shall be kept in a legible condition. The parties may apply for

modification of the certified Standing Orders on expiry of 6 months from the date of certification or last modification. However with the consent of the parties such modification can be made before the expiry of 6 months. The procedure for applying for modification is the same as that of applying for certification of the first Standing Orders.

PENALTY

1. As per section 13(1) penalty will be levied for failure to submit the draft Standing Order and for modifying the Standing Orders without prior approval of Certifying Officer - Fine upto Rs.5000 and in case of a continuing offence a further fine upto Rs.200/- per day.
2. Contravention of the Certified Standing Orders - Fine upto Rs.100/- and in case of continuing offence a further fine upto Rs.25/- per day.

APPENDIX A Form I

To The Certifying Officer Sir, Under the provisions of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft Standing Orders proposed by me for adoption in _____(Name) _____(Place) _____
(Postal address) an industrial establishment owned/controlled by me, with the request that these orders may be certified under the term of the Act. I also enclose a statement giving the particulars prescribed in Rule 5 of the Industrial Employment (Standing Orders) Central Rules, 1946. Employer/Manager