

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

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THE SCHEDULE

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

ACT NO. 20 OF 1946¹

[23rd April, 1946.]

An Act to require employers in industrial establishments formally to define conditions of employment under them.

WHEREAS it is expedient to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them;

It is hereby enacted as follows:—

STATE AMENDMENT

Maharashtra

Amendment of long title of Act XX of 1946.—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:—

“An Act to provide for defining with sufficient precision certain conditions of employment in industrial establishment in the State of Bombay.”

[Vide Bombay Act XXI of 1958, s. 2]

Amendment of preamble of Act XX of 1946.—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 establishment in the State of Bombay, and for certain other matters” shall be substituted.

[Vide Bombay Act XXI of 1958, s. 3]

1. Short title, extent and application.—(1) This Act may be called the Industrial Employment (Standing Orders) Act, 1946.

(2) It extends to²[the whole of India ³*]].

⁴[(3) It applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months:

Provided that the appropriate Government may, after giving not less than two months’ notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any industrial establishment employing such number of persons less than one hundred as may be specified in the notification.

⁵* * * * *

⁶[(4) Nothing in this Act shall apply to—

1. This Act has been extended to—

- (i) Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and the Sch.
- (ii) Pondicherry by Regulation 7 of 1963, s. 3 and the Sch. I (w.e.f. 1-10-1963), and
- (iii) the whole of the Union territory of Lakshadweep, vide Reg. 8 of 1965, s. 3 and the Sch.

The Act has been amended in its application to—

- (i) Maharashtra by Maharashtra Act 54 of 1974.
 - (ii) Mysore by Mysore Act 37 of 1975.
 - (iii) Madras by Madras Act 24 of 1960, and
 - (iv) Andhra Pradesh by A. P. Act 9 of 1969.
2. Subs. by the A.O. 1950, for “all the Provinces of India”.
3. The words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, s. 2 (w.e.f. 1-9-1971).
4. Subs. by Act 16 of 1961, s. 2, for sub-section (3).
5. Second proviso omitted by Act 39 of 1963, s. 2 (w.e.f. 23-12-1963).
6. Ins. by s. 2, *ibid.* (w.e.f. 23-12-1963).

(i) any industry to which the provisions of Chapter VII of the Bombay Industrial Relations Act, 1946 (Bombay Act 11 of 1947) apply; or

(ii) any industrial establishment to which the provisions of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (Madhya Pradesh Act 26 of 1961) apply:

Provided that notwithstanding anything contained in the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (Madhya Pradesh Act 26 of 1961), the provisions of this Act shall apply to all industrial establishments under the control of the Central Government.]

STATE AMENDMENT

Karnataka

Amendment of section 1.—In section 1 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) in its application to the State of Karnataka, for the words “one hundred” occurring in sub-section (3) and in the proviso to it, the word “fifty”, shall be substituted.

[Vide Karnataka Act 37 of 1975, s. 2]

Maharashtra

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

[Vide Bombay Act XXI of 1958, s. 4]

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

¹[(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 (39 of 1963), that court or authority shall be deemed to be the appellate authority;]

(b) “appropriate Government” means in respect of industrial establishments under the control of the Central Government or a ²[Railway administration] or in a major port, mine or oil-field, the Central Government, and in all other cases, the State Government:

³[Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties;]

⁴[(c) “Certifying Officer” means a Labour Commissioner or a Regional Labour Commissioner, and includes any other officer appointed by the appropriate Government, by notification in the Official Gazette, to perform all or any of the functions of a Certifying Officer under this Act;]

(d) “employer” means the owner of an industrial establishment to which this Act for the time being applies, and includes—

(i) in a factory, any person named under ⁵[clause (f) of sub-section (1) of section 7, of the Factories Act, 1948 (63 of 1948)], as manager of the factory;

1. Subs. by Act 39 of 1963, s. 3, for cl. (a) (w.e.f. 23-12-1963).

2. Subs. by the A.O. 1950, for “Federal railway”.

3. Added by Act 18 of 1982, s. 2 (w.e.f. 17-5-1982).

4. Subs. by Act 16 of 1961, s.3, for cl. (c).

5. Subs. by s. 3, *ibid.*, “for clause (e) of sub-clause (1) of section 9 of Factories Act, 1934 (25 of 1934)”.

(ii) in any industrial establishment under the control of any department of any Government in India, the authority appointed by such Government in this behalf, or where no authority is so appointed, the head of the department;

(iii) in any other industrial establishment, any person responsible to the owner for the supervision and control of the industrial establishment;

(e) "industrial establishment" means—

(i) an industrial establishment as defined in clause (ii) of section 2 of the Payment of Wages Act, 1936 (4 of 1936), or

¹[(ii) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948), or]

(iii) a railway as defined in clause (4) of section 2 of the Indian Railways Act, 1890 (9 of 1890), or

(iv) the establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial establishment, employs workmen;

(f) "prescribed" means prescribed by rules made by the appropriate Government under this Act;

(g) "standing orders" means rules relating to matters set out in the Schedule;

(h) "trade union" means a trade union for the time being registered under the Indian Trade Unions Act, 1926 (16 of 1926);

²[(i) "wages" and "workman" have the meanings respectively assigned to them in clauses (rr) and (s) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).]

STATE AMENDMENT

Maharashtra

Amendment of section 2 of Act XX of 1946.—In section 2 of the said Act,—

(a) before clause (a), insert the following clause, namely:--

"(1a) 'amendments' mean 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), substitute the following sub-clause, namely:--

"(iii) in any other industrial establishment--

(a) any person responsible to the owner for the supervisions 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;

(c) in clause (e), delete sub-clause (iv) shall be deleted;

(d) after clause (e), insert the following clauses, namely:--

"(ee) 'model standing orders' mean 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;"

[Vide Bombay Act XXI of 1958, s. 5]

1. Subs. by Act 16 of 1961, s. 3, for sub-clause (ii)

2. Subs. by Act 18 of 1982, s. 2 for cl. (i) (w.e.f. 17-5-1982).

Insertion of new section 2A in Act XX of 1946.—After section 2 of the said Act, the following section shall be inserted, namely:--

"2A. Application of model standing orders to every industrial establishment.--(1) 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."

[Vide Bombay Act XXI of 1958, s. 6]

Maharashtra

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

(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;

[Vide Bombay Act XXXVI of 1956, s. 2]

Maharashtra

Amendment of section 2A of Act XX of 1946.—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:--

“(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. ”

[Vide Maharashtra Act LIV of 1974, s. 2]

3. Submission of draft standing orders.—(1) Within six months from the date on which this Act becomes applicable to an industrial establishment, the employer shall submit to the Certifying Officer five copies of the draft standing orders proposed by him for adoption in his industrial establishment.

(2) Provision shall be made in such draft for every matter set out in the Schedule which may be applicable to the industrial establishment, and where model standing orders have been prescribed, shall be, so far as is practicable, in conformity with such model.

(3) The draft standing orders submitted under this section shall be accompanied by a statement giving prescribed particulars of the workmen employed in the industrial establishment including the name of the trade union, if any, to which they belong.

(4) Subject to such conditions as may be prescribed, a group of employers in similar industrial establishments may submit a joint draft of standing orders under this section.

STATE AMENDMENT

Karnataka

Substitution of section 3.—For section 3 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act), the following shall be substituted, namely:--

“3. Submission of Standing Orders.—(1) Within six months from the date on which the Industrial Employment (Standing Orders) (Karnataka Amendment) Act, 2005 becomes applicable to an industrial establishment, the employer shall prepare the Standing Orders proposed by him for adoption in his industrial establishment.

(2) The Standing Order prepared as required under sub-section (1) shall refer to every matter set out in the schedule which may be applicable to the Industrial establishment and where Model Standing Orders have been prescribed shall be so far as is practicable in conformity with such Model Standing Order.

(3) The Standing Orders so prepared shall be discussed with the Trade unions existing in the Industrial establishment or representatives of the workmen, before adoption and the employee providing proof thereof:

Provided no Standing Order adopted under this sub-section shall be effective unless a copy thereof as adopted is sent to the Certifying Officer by Registered Post Acknowledgement due and the acknowledgement therefor is received and filed.

(4) If there is no dispute with regard to the clauses and matters set out in the Standing Orders drafted by the employer of the Industrial Establishment, then it shall be adopted in the Industrial Establishment as if it is certified under this Act and a copy thereof shall be sent immediately to the Certifying Authority by Registered Post Acknowledgement Due.

(5) If there is any dispute or disagreement with regard to the adoption of any clauses or matter set out in the schedule between the employer and the trade Union or workmen representatives, then such Standing Orders drafted by the employer shall be submitted to the Certifying Officer notified under the rules with thirty days from the date of dispute, for adoption in the Industrial establishment.”

[Vide Karnataka Act 12 of 2014, s. 2]

Maharashtra

Amendment of section 3 of Act XX of 1946.—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, substitute "draft amendments" shall be substituted.

(d) in sub-section (4), for the words "draft of standing orders", substitute "draft of amendments".

(e) for the marginal note, the marginal note "Submission of amendments." Shall be substituted.

[Vide Bombay XXI of 1958, s. 7]

4. Conditions for certification of standing orders.—Standing orders shall be certifiable under this Act if—

(a) provision is made therein for every matter set out in the Schedule which is applicable to the industrial establishment, and

(b) the standing orders are otherwise in conformity with the provisions of this Act;

and it¹[shall be the function] of the Certifying Officer or appellate authority to adjudicate upon the fairness or reasonableness of the provisions of any standing orders.

STATE AMENDMENT

Karnataka

Amendment of section 4.—In section 4 of the principal Act, for the words “Standing Orders shall be certifiable”, the words, brackets and figures “In the event of submitting the draft Standing Order under sub-section (5) of the section 3, the Standing Orders shall be certifiable” shall be substituted.

[Vide Karnataka Act 12 of 2014, s. 3]

Maharashtra

Deletion of section 4 of Act XX of 1946.—Section 4 of the said Act shall be deleted.

[Vide Bombay Act XXI of 1958, s. 8]

5. Certification of standing orders.—(1) On receipt of the draft under section 3, the Certifying Officer shall forward a copy thereof to the trade union, if any, of the workmen, or where there is no such trade union, to the workmen in such manner as may be prescribed, together with a notice in the prescribed form requiring objections, if any, which the workmen may desire to make to the draft standing orders to be submitted to him within fifteen days from the receipt of the notice.

(2) After giving the employer and the trade union or such other representatives of the workmen as may be prescribed an opportunity of being heard, the Certifying Officer shall decide whether or not any modification of or addition to the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act, and shall make an order in writing accordingly.

(3) The Certifying Officer shall thereupon certify the draft standing orders, after making any modifications therein which his order under sub-section (2) may require, and shall within seven days thereafter send copies of the certified standing orders authenticated in the prescribed manner and of his order under sub-section (2) to the employer and to the trade union or other prescribed representatives of the workmen.

STATE AMENDMENT

Karnataka

Amendment of section 5.—In section 5 of the principal Act, in sub-section (1), for the word and the figure “section 3”, the words, brackets and figure “sub-section (5) of section 3” shall be substituted.

[Vide Karnataka Act 12 of 2014, s. 4]

1. Subs. by Act 36 of 1956, s. 32 for “shall not be the function” (w.e.f.17-9-1956).

Maharashtra

Amendment of section 5 of Act XX of 1946.—In section 5 of the said Act,--

(a) in sub-section (1),--

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

(ii) for the words "draft standing orders", substitute the words "draft amendments".

(b) in sub-section (2),--

(i) after the words "giving the employer", insert "the workmen submitting the amendments";

(ii) delete the words "or addition to";

(iii) for the words "the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act", substitute "the draft submitted under sub-section (1) of section 3 is necessary".

(c) in sub-section (3),--

(i) for the words "certify the draft standing orders", substitute "certify the draft amendments";

(ii) for the words "certified standing orders", substitute "model standing orders together with copies of the certified amendments thereof".

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

[Vide Bombay Act XXI of 1958, s. 9]

6. Appeals.—(1)¹[Any employer, workmen, trade union or other prescribed representatives of the workmen] aggrieved by the order of the Certifying Officer under sub-section (2) of section 5 may, within²[thirty days] from the date on which copies are sent under sub-section (3) of that section, appeal to the appellate authority, and the appellate authority, whose decision shall be final, shall by order in writing confirm the standing orders either in the form certified by the Certifying Officer or after amending the said standing orders by making such modifications thereof or additions thereto as it thinks necessary to render the standing orders certifiable under this Act.

(2) The appellate authority shall, within seven days of its order under sub-section (1), send copies thereof to the Certifying Officer, to the employer and to the trade union or other prescribed representatives of the workmen, accompanied, unless it has confirmed without amendment the standing orders as certified by the Certifying Officer, by copies of the standing orders as certified by it and authenticated in the prescribed manner.

STATE AMENDMENT

Maharashtra

Amendment of section 6 of Act XX of 1946.—In section 6 of the said Act,--

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

(b) in sub-section (2),--

(i) for the words "unless it has confirmed without amendment the standing orders", substitute "unless it has confirmed without further modifications the amendments";

(ii) for the words "by copies of the standing orders", substitute "by copies of the model standing orders together with the amendments".

[Vide Bombay Act XXI of 1958, s. 10]

1. Subs. by Act 18 of 1982, s. 3, for "Any person" (w.e.f. 17-5-1982).

2. Subs. by Act 16 of 1961, s. 4, for "twenty-one days".

7. Date of operation of standing orders.—Standing orders shall, unless an appeal is preferred under section 6, come into operation on the expiry of thirty days from the date on which authenticated copies thereof are sent under sub-section (3) of section 5, or where an appeal as aforesaid is preferred, on the expiry of seven days from the date on which copies of the order of the appellate authority are sent under sub-section (2) of section 6.

STATE AMENDMENT

Karnataka

Amendment of section 7.—Section 7 shall be renumbered as sub-section (2), thereof and before sub-section (2) as so renumbered, the following shall be inserted, namely:—

“(1) Standing Orders as adopted under sub-section (4) of section 3 shall come into operation on the expiry of 30 days from the date on which the employer and the trade union or workmen representatives agree to adopt the standing orders.”

[Vide Karnataka Act 12 of 2014, s. 5]

Maharashtra

Amendment of section 7 of Act XX of 1946.—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.

[Vide Bombay Act XXI of 1958, s. 11]

8. Register of standing orders.—A copy of all standing orders as finally certified under this Act shall be filed by the Certifying Officer in a register in the prescribed form maintained for the purpose, and the Certifying Officer shall furnish a copy thereof to any person applying therefor on payment of the prescribed fee.

STATE AMENDMENT

Karnataka

Amendment of section 8.—In section 8 of the principal Act, after the words “finally certified”, the words “or adopted” shall be inserted.

[Vide Karnataka Act 12 of 2014, s. 6]

Maharashtra

Amendment of section 8 of Act XX of 1946.—In section 8 of the said Act,—

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

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

[Vide Bombay Act XXI of 1958, s. 12]

9. Posting of standing orders.—The text of the standing orders as finally certified under this Act shall be prominently posted by the employer in English and in the language understood by the majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial establishment and in all departments thereof where the workmen are employed.

STATE AMENDMENT

Karnataka

Amendment of section 9.—In section 9 of the principal Act, after the words “finally certified”, the words “or adopted” shall be inserted.

[Vide Karnataka Act 12 of 2014, s. 7]

Maharashtra

Amendment of section 9 of Act XX of 1946.—In section 9 of the said Act,--

(a) after the words "standing orders", insert the words "or model standing orders together with all the amendments";

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

[Vide Bombay Act XXI of 1958, s. 13]

10. Duration and modification of standing orders.—(1) Standing orders finally certified under this Act shall not, except on agreement between the employer and the workmen¹[or a trade union or other representative body of the workmen], be liable to modification until the expiry of six months from the date on which the standing orders or the last modifications thereof came into operation.

²[(2) Subject to the provisions of sub-section (1), an employer or workman¹[or a trade union or other representative body of the workmen] may apply to the Certifying Officer to have the standing orders modified, and such application shall be accompanied by five copies of ^{3****} the modifications proposed to be made, and where such modifications are proposed to be made by agreement between the employer and the workmen¹[or a trade union or other representative body of the workmen], a certified copy of that agreement shall be filed along with the application.]

(3) The foregoing provisions of this Act shall apply in respect of an application under sub-section (2) as they apply to the certification of the first standing orders.

⁴[(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.]

STATE AMENDMENT

Karnataka

Amendment of section 10.-In section 10 of the principal Act,-

(i) in sub-section (1), after the words finally certified”, the words “or adopted” shall be inserted;

(ii) after sub-section (2) the following proviso shall be inserted, namely:-

“Provided that nothing in this sub-section shall be applicable in case of modifications mutually agreed by an employer, workmen or a trade union or other representative body of the workmen and such modifications shall be effected under sub-sections (3) and (4) of section 3.”

[Vide Karnataka Act 12 of 2014, s. 8]

Maharashtra

Amendment of section 10 of Act XX of 1946.—In section 10 of the said Act,--

(a) in sub-section (1),--

1. Ins. by Act 18 of 1982, s. 4 (w.e.f. 17-5-1982).

2. Subs. by Act 36 of 1956, s. 32, for sub-section (2) (w.e.f. 17-9-1956).

3. Certain words omitted by Act 39 of 1963, s. 4 (w.e.f. 23-12-1963).

4. Ins. by s. 4, *ibid.* (w.e.f. 23-12-1963).

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

(ii) after the words "came into operation", add the following:--

"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), substitute the following sub-section, 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"

[Vide Bombay Act XXI of 1958, s. 14]

Maharashtra

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

[Vide Maharashtra Act LIV of 1974, s. 3]

¹[10A. Payment of subsistence allowance.—(1) Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance—

(a) at the rate of fifty per cent. of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension; and

(b) at the rate of seventy-five per cent. of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman.

(2) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (1) the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947 (14 of 1947), within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situate and the Labour Court to which the dispute is so referred shall, after giving the parties an opportunity of being heard, decide the dispute and such decision shall be final and binding on the parties.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State are more beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State.]

11. Certifying Officers and appellate authorities to have powers of civil court.—²[(1)] Every Certifying Officer and appellate authority shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the

1. Ins. by Act 18 of 1982, s. 5 (w.e.f. 17-5-1982).

2. S. 11 renumbered as sub-section (1) thereof by Act 39 of 1963, s. 5 (w.e.f. 23-12-1963).

discovery and production of documents, and shall be deemed to be a civil court within the meaning of ¹[sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).]

²[(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.]

12. Oral evidence in contradiction of standing orders not admissible.—No oral evidence having the effect of adding to or otherwise varying or contradicting standing orders as finally certified under this Act shall be admitted in any Court.

STATE AMENDMENT

Karnataka

Amendment of section 12.—In section 12 of the principal Act, after the words “finally certified”, the words “or adopted” shall be inserted.

[*Vide* Karnataka Act 12 of 2014, s. 9]

Maharashtra

Amendment of section 12 of Act XX of 1946.—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 standing orders” with all the amendments as finally under this Act, as case may be,” shall be substituted.

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

[*Vide* Bombay Act XXI of 1958, s. 15]

³[**12A. Temporary application of model standing orders.**—(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.]

STATE AMENDMENT

Karnataka

Amendment of section 12A.— In section 12A of the principal Act, after the words “finally certified”, the words “or adopted” shall be inserted.

[*Vide* Karnataka Act 12 of 2014, s. 10]

13. Penalties and procedure.—(1) An employer who fails to submit draft standing orders as required by section 3, or who modifies his standing orders otherwise than in accordance with section 10, shall be punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

1. Subs. by Act 18 of 1982, s. 6, for “sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 17-5-1982).

2. Ins. by Act 39 of 1963, s. 5 (w.e.f. 23-12-1963).

3. Ins. by Act 39 of 1963, s. 6 (w.e.f. 23-12-1963).

(2) An employer who does any act in contravention of the standing orders finally certified under this Act or his industrial establishment shall be punishable with fine which may extend to one 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.

(3) No prosecution for an offence punishable under this section shall be instituted except with the previous sanction of the appropriate Government.

(4) No Court inferior to that of ¹[a Metropolitan Magistrate or Judicial Magistrate of the second class] shall try any offence under this section.

STATE AMENDMENT

Karnataka

Amendment of section 13.-In section 13 of the principal Act,-

(i) in sub-section (1), after the words and figure “Standing Orders as required by section 3”, the words and figures “or who fails to adopt Standing Orders as required by sub-section (4) of section 3” shall be inserted;

(ii) in sub-section (2), after the words “finally certified”, the words “or adopted” shall be inserted.

[Vide Karnataka Act 12 of 2014, s. 11]

Maharashtra

Amendment of section 13 of Act XX of 1946.—(a) in sub-section (1),--

(i) for "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders", substitute "who modifies the standing orders, model standing orders or amendments";

(ii) for "section 10", substitute "the provisions of this Act";

(iii) for "shall be punishable", substitute "shall on conviction, be punished".

(b) in sub-section (2), for the words "the standing orders finally certified under this Act for his industrial establishment shall be punishable", substitute 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), insert the following sub-sections, 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".

[Vide Bombay Act XXI of 1958, s. 15]

1. Subs. by Act 18 of 1982, s. 7, for “a Metropolitan Magistrate or Judicial Magistrate of the second class” (w.e.f. 17-5-1982).

¹[**13A. Interpretation, etc., of standing orders.**—If any question arises as to the application or interpretation of a standing order certified under this Act, any employer or workman ²[or a trade union or other representative body of the workmen] may refer the question to any one of the Labour Courts constituted under the Industrial Disputes Act, 1947 (14 of 1947), and specified for the disposal of such proceeding by the appropriate Government by notification in the Official Gazette, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties.

STATE AMENDMENT

Karnataka

Amendment of section 13-A.—In section 13-A of the principal Act, after the words “Standing Orders Certified the words “or adopted” shall be inserted.

[*Vide* Karnataka Act 12 of 2014, s. 12]

Maharashtra

Amendment of section 13A of Act XX of 1946.— In section 13A, after the words "standing order" and in the marginal note thereto after the words "standing orders", insert the words "model standing order or amendments"; and after the word "workman", insert "or any prescribed representatives of workmen".

[*Vide* Bombay Act XXI of 1958, s. 17]

13B. Act not to apply to certain industrial establishments.—Nothing in this Act shall apply to an industrial establishment in so far as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Services) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.]

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Insertion of new section—After section 13B, insert—

“13C. Compounding of offences.—(1) Any offence punishable under the Act may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by payment of compounding amount of not more than rupees fifty thousand, by such officer or authority as the appropriate Government may, by notification in the official Gazette, specify in this behalf for the amount of rupees fifty thousand:

Provided that the appropriate Government may, by notification in the Official Gazette, amend the said specified compounding amount:

Provided further that the offences of the same nature committed by the same offender for more than three occasions shall not be compoundable:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be released or discharged.”.

[*Vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020) and *Vide* Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3465(E), dated (5-10-2020).]

1. Ins. by Act 36 of 1956, s. 32 (w.e.f. 10-3-1957).

2. Ins. by Act 18 of 1982, s. 8 (w.e.f. 17-5-1982).

14. Power to exempt.—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Act.

¹[**14A. Delegation of powers.**—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.]

15. Power to make rules.—(1) The appropriate Government may, after previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe additional matters to be included in the Schedule, and the procedure to be followed in modifying standing orders certified under this Act in accordance with any such addition;

(b) set out model standing orders for the purposes of this Act;

(c) prescribe the procedure of Certifying Officers and appellate authorities;

(d) prescribe the fee which may be charged for copies of standing orders entered in the register of standing orders;

(e) provide for any other matter which is to be or may be prescribed:

Provided that before any rules are made under clause (a) representatives of both employers and workmen shall be consulted by the appropriate Government.

²[(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or ³[in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

STATE AMENDMENT

Maharashtra

Amendment of section 15 of Act XX of 1946.—In section 15 of the said Act, in sub-section (2),--

(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.

[Vide Bombay Act XXI of 1958, s. 18]

1. Subs. by Act 39 of 1963, s. 7, for s. 14A (w.e.f. 23-12-1963).

2. Ins. by Act 16 of 1961, s. 6.

3. Subs. by Act 18 of 1982, s. 9, for certain words (w.e.f. 17-5-1982).

THE SCHEDULE

[See sections 2(g) and 3(2)]

MATTERS TO BE PROVIDED IN STANDING ORDER UNDER THIS ACT

1. Classification of workmen, *e.g.*, whether permanent, temporary, apprentices, probationers, or *badlis*.
2. Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
3. Shift working.
4. Attendance and late coming.
5. Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
6. Requirement to enter premises by certain gates, and liability to search.
7. Closing and re-opening of sections of the industrial establishment, and temporary stoppages of work and the rights and liabilities of the employer and workmen arising therefrom.
8. Termination of employment, and the notice thereof to be given by employer and workmen.
9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
10. Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants.
11. Any other matter which may be prescribed.

STATE AMENDMENT

Maharashtra

Amendment of Schedule to Act XX of 1946.—In the Schedule appended to the said Act,—

(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.”

[*Vide* Bombay Act XXI of 1958, s. 19]

Maharashtra

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

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

[*Vide* Maharashtra Act LIV of 1974, s. 4]