

THE UTTAR PRADESH INDUSTRIALEMPLOYMENT (STANDING ORDERS) RULES, 1946

1. **Short title.**- These rules may be called “ The Uttar Pradesh Industrial Employment (Standing Orders) Rules, 1946”

2. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context-

- (i) “Act” means the (Central Government) Industrial Employment (Standing Orders) Act, 1946;
 - (ii) “form” means a form appended to these rules ;
 - (iii) “Schedule” means the Schedule to the Act;
 - (iv) “Section” means a section of the act;
 - ¹[(v) “Labour Commissioner” means an officer appointed by the State include the Additional Labour Commissioner and shall include the Additional Labour Commissioner posted at the Head quarter.]
 - (vi) “Labour Officer” means an officer appointed by the State Government to perform the duties of a Labour Officer under these rules. ¹[and includes Standing Orders officer, Uttar Pradesh, all the Conciliation Officers and the Labour Officers of the Uttar Pradesh who have been notified in the official Gazette as such by the State Government];
 - (vii) “Inspector” means and officer appointed by the State Government ²[by notification in the official Gazette for the purpose of carrying out the provisions of the Act, and of these rules and includes a Labour Officer];
 - (viii) “Registrar” means a Registrar of Trade Unions appointed by the State Government under Section 3 of the Indian Trade Unions Act, 1926;
 - (ix) “Association of Employers” means and incorporated or registered combination of employers which has for one of its objects the regulation of conditions of employment in the industry or industries conducted or carried on by its members.
- ²[2-A. (1)Power of Inspectors - For the purpose of the enforcement of the Act, the Rules and the Standing Orders duly certified there under the inspector Shall have the power-

1- Subs by Noti. No. 4968/36-3-3 (S.O.)-85, dated 6-12-1990.

1-a. Subs by Noti. No. Pub. in 1960 LLT-V.1-

2- Ins. by *ibid.*

- (a) to enter at all times any place, which is on which he had reason to believe, in an industrial establishment under Section 2(e) of the Act and may examine the premises and all registers, records, and notices;
- (b) to photograph or cause to be photographed any place or work or machinery, or to obtain copy of a photograph, sketch or test measurement or any register or documents;
- (c) to inspect any building, room or work place within the industrial establishment;
- (d) to call for explanation for any irregularity found in his inspection;
- (e) to make enquiries from such persons on the premises of the industrial establishment as he may consider necessary:

Provided that no such person shall be compelled under this rule to give as answer to any question, the answer to which might tend to incriminate him;

- (f) to summon and examine the record of any registered trade union or a federation of the trade unions for the purposes of rules 5 and 9 of these rules; and
- (g) to seize any records, registers, documents, articles, which he may consider necessary.

(2) **Powers of Labour Officer**-In addition to the power of the Inspectors mentioned above, a Labour Officer shall have the power-

- (a) to hold meeting or meetings of the workers of an industrial establishment within its premises at a place, to be determined in consultation with employers who will be bound to specify such a place in the premises, at a specified time fixed by him and intimated to the workmen and the employers for the purposes of electing representatives of workmen under Rules 10; and
- (b) to represent the Certifying Officer before an Appellate Authority and any other Court of Law.

(3) **Prohibition against disclosing information.**-No person who obtains any information by virtue of this Act shall otherwise than in condition with the execution of the provisions of this Act or of any order made in pursuance thereof disclose that information to any other person except with permission granted by or on behalf of the state Government].

13. Submission of draft Standing Orders.- The draft Standing Orders under subsection (1) of Section 3 shall be submitted in Form A. The particulars of workmen required in subsection (3) and the names of trade unions shall be given in Appendices I and II respectively.

³[**3-A.** Where a group of employers in similar industrial establishments submit a joint draft standing orders under Section 3(4) of the Act such of the employers of the said group shall submit separate applications in Form 'A' with necessary court-fee stamp affixed on each of the applications and with the schedule provided under the Act.

The application shall be disposed of jointly if one and the same representative union of all the industrial establishments in that group, otherwise the applications shall be disposed of separately.]

4. In case the employer is not in a position to fill Appendix II to Form A he shall approach the Registrar to supply the required information on payment of the fee prescribed under the Trade Unions Act and the Regulation made thereunder.

5. The Certifying Officer shall, if necessary, get the information given in Appendices I and II to Form A checked by an Inspector and take necessary action on getting his report.

⁴ [6. In addition to the matters set out in the Schedule, the following additional matters shall be included in the Schedule:

1-A. Recruitment.

5-A. Abandonment of Employment.

8-A. Issue of Services Certificate.

9-A. Censure and warning notice, fine or stoppage of annual increment or reduction in rank.

10-A. Conditions for promotion of workmen.

11-A. Issue of Wage Slip.

11-B. Introduction of welfare schemes or any other facility which the employers may like to extend or which may be agreed upon between the parties.

11-C. Age of superannuation or retirement and the benefits like gratuity and/or pension to be given to the workmen at the time of their superannuation or retirement.

7. Model Standing Orders.- Model Standing Orders shall be prescribed after previous publications for the opinion.

3. *Ins by Noti, pub. in 1960 LLT-V,1.*

4. *Vide Noti. No. 932/XXVI-3-57 (S.O) (6)-77, dt. 15-11-1985.*

5. *Deleted by Noti. No. 6880 (ST) XXXVI-A-1025 (ST)-64, dated 14-12-1970.*

8. Model Standing Orders Shall be amended (or rescinded) also after previous publications of the proposed amendment

9. [* * * * *]⁵

10. If there be no trade union of the workmen concerned the Certifying Officer may depute the Labour Officer to hold a meeting of the workmen concerned for the purpose of electing their representative whose number shall not exceed.

11. **Certification of Standing Orders.**-The Certifying Officer on being satisfied that all the provisions of the Act and the Rules made thereunder have been complied with, shall certify all the five copies of Standing Orders in Form B and a certified copy of the Standing Orders shall be supplied to the employers and the representatives of workmen concerned.

12. The Certifying Officer shall also maintain a register of Standing Orders in Form C.

13. If more than one Certifying Officer is appointed by Government or the Certifying Officer is an authority other than the Labour Commissioner, the Certifying Officer shall invariably forward a copy of the certified Standing Orders to Labour Commissioner.

14. [* * * * *]⁶

15. No order passed by an Industrial Court shall be called in question in any Civil or Criminal Court.

16. The State Government may direct the Advocate General or any other officer to appear in any proceedings before the Industrial Court by giving a notice to such court and on such notices being given the Advocate General or such officer shall be entitled to appear in such proceedings.

17. An Industrial Court may, at its discretion, call in the aid of one or more assessors.

18. (a) In any proceedings before an Industrial Court, parties may, with the permission of the court, appear by pleader, or advocate or a High Court, or in the case of a Union and Association of Employers by any of its officers duly authorized by the union or association concerned in this behalf.

7[(b) In any proceeding before a Certifying Officer under section 5, the employer may be represented by any of his authorized manager or any other officer of his establishment or of

6. Deleted by Noti. No. (LL)/ XXXIV (B)-181-(LL)-57 dated Nov. 17, 1955 (1960 LLJ-V-1).

7. Added by *ibid.*

8. Subs by Noti. 2327 (ST) XXXVI- A 146 (ST)-65, dated 25-11-1968.

Association of the employers of which he is a member. With the consent of both the parties, Advocate or legal practitioners shall also be allowed to represent the employers.]

19. The decision of an Industrial Court shall be communicated to both the parties, Certifying Officer concerned and the Labour Commissioner, in case he is not a Certifying Officer, and the State Government.

20. Subject to the provisions of the Act and these Rules an Industrial Court may regulate its own procedure as it thinks fit.

⁸[21. **Fees.** The fee payable for getting a copy of the Standing Orders under Section 8 shall be Re. 1 per 1,000 words or fraction thereof.]

⁹[22. (1) The employers shall, within 60 days of the receipt of a certified copy of the standing orders under Rule 11, submit to the Certifying Officer, Hindi version, there of for his approval, who shall ensure correctness of the same.

(2) Every employer shall cause to be posted the Hindi version of the Standing Orders so approved along with its English text in the manner prescribed in Section 9.]

23. In case of difference between English, Hindi and Urdu texts the English version as certified by the Certifying Officer shall be taken to be the authoritative copy of the Standing Orders.

24. The Certifying Officer shall be empowered to have the Hindi and Urdu versions corrected, in case he is satisfied that they are not correct.

25. **Modification of Standing Orders.** - (a) An application under subsection (2) of Section 10 shall be made in Form D.

¹⁰[(b) Where such an application for the modification is received from a workman the Certifying Officer shall where more than one trade union exists among the workmen of the industrial establishment, take step to enquire and declare a representative trade union according to the procedure laid down in rule 9 of these rules. If there is no trade union, the procedure given in rule 10 shall be followed to elect the representative of workmen.

(C) The application for modification received from a workman shall thereafter be sent to the representative union or elected representatives, as the case may be, to elicit opinion.

9. Subs by Noti. No, 4932 LLL/XXXVI-13-149 (LL)-60 Dated 23-11-1962,

10. lus. by Noti, pub in 1960 LLT-V-1,

(d) Proceedings to certify the modification sought for shall be undertaken only to the extent these modifications are approved by the representative trade union or elected representative, as the case may be, and such trade union or representative shall be representing the applicant workman during the proceeding for certification.]

26. A copy of the application referred to in Rule 25 shall be forwarded to the Labour Commissioner, in case he is not Certifying Officer.

27. Manner of service.- All the notices, notifications and orders under this Act and the rules shall be served on the parties concerned by registered acknowledgment due letter or by special messenger. In the latter case, an acknowledgment in writing by or on behalf of the other party concerned shall be obtained in respect of such delivery.

¹⁰**[27-A.-** The Manager of each industrial establishment shall maintain a bound inspection book and shall be responsible for its production on demand by the Inspector, irrespective of the fact whether the manager is himself present in industrial establishment at the time of the visit of the Inspector or not.]

¹⁰**[27-B.-** The registers, records, documents, maintained under the notified Standing Orders for the purpose of checking up whether compliance with the Act and the rules is being made shall be produced by the Manager of an industrial establishment on demand by an Inspector.]

¹⁰**[28.** If employer or a workman moves a Labour Court to seek redress under section 13-A of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, he shall send a copy of such application to the Certifying Officer within a week of moving such application before the Labour Court.]

¹⁰**[28-B.** The Certifying Officer may enter appearance at such proceedings before a Labour Court.]

FORM- A

[See subsections (1), (2), (3), and (4) of Section 3 and Rules 3 and 6)

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

Application Form for Submitting Standing Orders

Name of the Association of Employers, if any.....

Address.....

To,

The Certifying Officer,

Industrial Employment (Standing Orders) Act,

Labour Office, U.P.Kanpur.

Dated

Dear Sir,

In accordance with the provisions of subsection (1) [in case of an individual employer / (4)] (in case of an Association of Employers) of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I beg to submit herewith five copies of the proposed draft Standing Orders on behalf of and for adoption in the following industrial establishment/establishments which is the member/are the members of the Association. The establishment has/establishments have not separately submitted other draft Standing Orders inaudibility or jointly through some Association of Employers.

Provision has been made in the Draft Standing Orders for every matter in the Schedule which is applicable to the industrial establishment/establishments.

(In case of an Association of Employers only, and to be scored out otherwise). This Association is an unreported Registered combination of employers/Registered trade Unions which has for one of its objects the regulation of conditions of employment in the industry industries conducted or carried on by its members.

Statement giving prescribed particulars of the workmen employed in each industrial establishment and the names of trade unions in Appendices I and II and are also enclosed separately for each establishment.

List of Industrial Establishments

Serial No.	Name of the Industrial establishment	'Name and designation Of the employer	Classification of Industry	Address (Registered office)
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(A separate sheet of paper may be used if the space provided here is insufficient).

Yours faithfully,
Designation

APPENDIX I TO FORM A

[See subsection (3) of Section 3 and Rule 3]

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

Particulars of Workmen

Name of the Industrial establishment.....

Address.....

	Class of employment	Number of Workmen employed																				
		In all the shafts							I Shift				II Shift				II Shift					
		Permanent	Temporaries	Apprentices	Probationary	Substitutes	Any other	Total	Male	Female	Adolescent	Children	Male	Female	Adolescent	Children	Male	Female	Adolescent	Children	Remarks	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	

***APPENDIX II TO FORM A**

[See subsection (3) of section 3 and Rule 3]

Industrial Employment (standing Orders) act, 1946

Names and other particulars of the trade unions of the trade unions of workmen:

Name of the establishment:

Address.....

Sl. No.	Name and address of the registered Trade Union	Whether recog. nized by the employer	Total number of members belong- ing to this indus- trial establishment an known to the employer	Name and address of the Union	Name and address of the President of the Union	Remarks secretary
1	2	3	4	5	6	7

FORM B

(See Section 5 and Rule II)

Industrial Employment (Standing Orders) Act, 1946

Certificate of Standing Orders

No.....of 19.....

Name and address of the Association of Employers. if
any.....

Name and address of the Industrial Establishment
(s).....

Name and address of the Trade
Union(s).....
or the representatives of
workers.....

OFFICE OF THE CERTIFYING OFFICER,
UTTAR PRADESH. KANPUR

Industrial Employment (Standing orders) Act, 1946

It is hereby declared that the Standing Orders (a certified copy of which is enclosed herewith), governing the conditions of employment in day of.....19 as certificated Standing Orders under the day of.....19 as certificated Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.

Certifying Officer, Uttar

Pradesh

FORM A

[(See Section 8 Rule 12)]

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

Form of Register of Certification of Standing Orders

	Remarks	Subsequent Modifications																						
		I Modification			II Modification			III Modification			IV Modification													
		Date of application	Date of Sanction	Modification made (in brief)	Date of application	Date of Sanction	Modification made (in brief)	Date of application	Date of Sanction	Modification made (in brief)	Date of application	Date of Sanction	Modification made (in brief)											
		1	1	13	1	4	1	1	5	1	6	1	7	1	8	19	2	0	2	1	2	2	3	24
		1	1																					
		10																						
		9																						
		8																						
		7																						
		6																						
		5																						
		4																						
		3																						
		2																						
		1																						

Give the name of the Association of Employers or the individual establishment, whichever is the applicant.

FORM A

[See subsection (2) of section 10 and Rule 25]

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

Application for modifications of Standing Orders

Name of Association of Employers workmen or the name of the workmen :

Address:

Dated

To,

The Certifying Officer.

Industrial Employment (Standing Orders) Act, Labour Office, Kanpur

Dear Sir,

In accordance with the provisions of subsection (2) of Section 10 of the Industrial Employment (Standing Orders) Act, 1946. I beg to inform you.

Modification

that it is desired to effect -----in the Standing Orders No. of
modifications Establishment

19. Adopted in the following Industrial -----
Establishment

Six months have passed since the Standing Orders or last modification(s) thereof
came into operation.

2. I declare that _____
there has been an agreement, copy of which is enclosed herewith, between the
employer and the workmen for making modification(s)
modification

3. Five copies of the Standing Orders indicating the _____
modifications

4. Changes in the statements in Appendices I and II to Form A, regarding particulars of
workmen and the names and other particulars of the Trade Unions, since they were submitted
last, are also indicated herewith in the enclosed sheet.

List of the Industrial Establishments

Serial No.	Name of the industrial establish-	Name and designation of the	Classification of Industries	Address (Register-which the ed office)	Date on Standing	Modifi cation desired	Remarks
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ment employer

Orders or
last modi-
fication
came into
operation

(A separate sheet of paper may be used if the space provided here is insufficient.)

Yours

faithfully.

(Name and designation)

MODEL STANDING ORDERS

Date of enforcement

1. These Orders shall come into force on and from.....

Definitions

2. In these Orders, unless there is anything repugnant in the subject or context,

(a) (i) "Act" means the industrial employment (Standing orders) Act, 1946, and "Rules" means the U.P Industrial Employment (Standing Orders) Rules, 1946.

(ii) The following terms shall have the some meaning as given in the Act and Rules:

(a) "Appellate Authority"

(b) "Certifying officer"

(c) "Employer"

(d) "Industrial Establishment"

(e) "Labour Commissioner"

(f) "Association of Employers"

(g) "Workman"

(b) The masculine includes the feminine.

(c) "Muster Roll" means the Attendance Register or Registrars maintained in industrial establishments as a record of the daily attendance of the workman employed therein, such as that maintained in factories under the provisions of the factories Act, for the time being in force.

(d) "Night Shift" means a shift which ends after 10 P.M.

(e) "Notice" means a notice in writing required to be given or posted for the purposes of these standing orders.

(f) "Notice Board" means the notice board specially maintained in a conspicuous place at or near the main entrance to the industrial establishment for the purposes of displaying notices required to the posted or affixed under the provisions of these standing orders and clearly marked "Standing orders".

(g) "Substitute Register" means the register or muster roli of substitutes which shall be maintained for the purposes of these standing orders.

(h) "Superior" means any person who by the nature of his duties exercises authority, supervision or control over a workman whilst on the premises of the industrial establishment.

Classification of workman

3.(a) Workmen shall be classed as (1) permanent, (2) probationer, (3) Substitute, (4) temporary and (5) Apprentice.

(b) A "Permanent" workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment.

(c) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy and has not completed three months in that occupation.

If a "permanent" workman is employed as a "Probationer" in a new occupation, he may, at any time during the probationary period of three months, be reverted to his old permanent post by an order in writing signed by the employer.

(d) A "Substitute" is one who is employed on that post of a permanent workman or probationer, who is temporarily absent on leave or otherwise, and whose name is entered in the register of substitutes.

(e) A "Temporary" workman is one who is engaged for a work which is of an essentially temporary character, or who is engaged temporarily as an additional workman in connection with work of a permanent character: provided he has not been in continuous employment for three months.

(f) An "Apprentice" is a learner whether paid or unpaid, during the period of his training.

Enrolment, Muster Roll, Tickets, Cards or Tokens

4. (a) Every workman on enrolment shall sign the prescribed form appended to these Orders.

(b) The name of every workman without exception shall be entered on the Muster Roll.

(c) In the Muster Roll against the name of every workman without exception shall be clearly indicated the classification to which he belongs.

(d) Tickets - (1) Every workman shall be given a permanent ticket unless he is a probationer, substitute, temporary or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number and shall on being required to do so, show it to any person authorized by the manager to inspect it.

(3) Every substitute shall be provided with a substitute card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a “temporary ticket” which he shall surrender on his discharge.

(5) Every apprentice shall be provided with an “apprentice card” which shall be surrendered if he obtains permanent employment.

(e) Should a workman lose or at the time of ceasing to employed fail to deliver up his ticket, card or token he shall be liable to pay the sum of two annas for the cost thereof.

Notices specifying closure days and payment or wages days to be posted

(5) Notices specifying (a) the days on which the industrial establishment will be closed and (b) the days on which wages will be paid shall be posted by the employer in an industrial establishment in a conspicuous place. The notice regarding the days on which wages shall be paid shall be posted in accordance with the provisions of the payment of wages Act for the time being in force, and copies of both the notices shall be sent to the Labour Commissioner and to the recognized unions, if any.

Notices specifying rates of wages days to be posted

6. (a) In accordance with the provisions of the payment of wages Act and Rules, for the time being in force. A notice in the specified form in English Hindi and Urdu Shall be displayed in a conspicuous place at or near the entrance to each department or group of departments specifying the rates of wages payable to all classes of workman.

(b) No alteration in the rates of wages so notified shall be made without giving 15 days notice by means of a notice specifying the proposed alteration pasted in a conspicuous place at the entrance to the department in which the alteration will have effect and by sending copies thereof to the Labour Commissioner, and the recognized trade unions, if any.

Notices specifying working time to be posted

7. The periods and hours of work for all classes of workers in each shift shall be exhibited in English, Hindi and Urdu on the notice board and at timekeepers office, if any.

Shift working

8. (a) Shifts shall be regulated in accordance which the provisions of the factories Act for the time being in force in industrial establishment to which are amenable to that Act. More than one shift may be worked in a department or departments or any section of a department at the desertion of the employer. If however there are collective agreements of awards for regulating shift working, they. Shall be adhered to, insofar as they are not inconsistent with the Factories Act, in the case of industrial establishments to which that Act is applicable.

The timings of the shift shall be fixed in consultation with the Labour Commissioner and no change in the timings shall be made without giving a prior notice of 15 days, subject to the provisions of the Factories Act in the industrial establishments where applicable.

(b) Shift may be alternated at the discretion of the employer.

(c) Shift working shall be so arranged that no workman will be employed in the night shift for more than a fortnight at a time, after which he must be transferred to the day shift for a period not less than that worked by him in the night shift.

Provided that in the case of factories covered by the factories Act, for the time being in force, if three eight-hour shifts are worked the changes of the shifts shall be by rotation in accordance with the factories Act.

(d) Shift working may be discontinued after pasting a notice on the notice board notice of 15 days of discontinuance of shift shall be given provided that it shall not be necessary to give 15 days notice if as a result of the discontinuance of the shift, no permanent workman is discharged:

Provided also that it shall not be necessary to give 15 days notice of the discontinuance of a "Temporary" Shift by which at the time of its institution had been declared to be a "Temporary" shift by a notice pasted on the notice board:

Provided further that if the temporary shift has continued for a period exceeding two months, 15 days notice shall be given for the discontinuance of the shift.

(e) If as a result of the discontinuance of any shift any permanent workman is likely to be discharged, he shall be discharged having regard to his length of service in his category, those with the shortest length of service being discharged first.

(f) If the shift other than a temporary shift is restarted, seven days notice thereof shall be given by passing notice on the notice board and the workman if he presents himself at least 24 Hours before the time of restarting the shift, shall have preference in being re-employed, having regard to his previous length of service in his category in the industrial establishment, those with the longest length of service being re-employed first.

Attendance

9. (a) Every workman shall be at work at the time fixed and which has been notified by a notice pasted on the notice board. Any workman attending late shall be liable to be shut out and treated as absent:

Provided that no workman shall be shut out who attends within 15 minutes of the starting time.

(b) Any workman, who after presenting his ticket, card or token is found absent from his proper place of work during working hours without permission or without any sufficient reason, shall be liable to be treated as absent for the period of his absence.

If, however, he is so absent from the premises of the industrial establishment during working hours without written permission, he shall be liable to be treated as absent for the whole day, in case his absence commences after the recess period.

(c) If the workman is so absent from the premises of the industrial establishment with the written permission of head of the department his wages for the period of absence only shall be liable to be deducted.

Note: A printed card of pass bearing the signature of the employer shall be sufficient evidence of his written permission to a workman for leave of absence under this standing order.

(d) The deductions from wages to be made for the periods of a absence under this standing order shall be made in accordance with the provisions of the payment of wages Act:

Provided always that the employer may in the alternative and at his discretion deal with any breach of the provisions of this standing order in accordance with the provisions of standing order No. 24.

Leave of absence

10. (a) Service for a total period of 12 months in an industrial establishment shall qualify a workman for a total period of one months leave with pay. Grant of such leave shall depend on the exigences of the industrial establishment and shall be at the discretion of the industrial establishment;

Provided that in seasonal factories, as defined in section 4 (1) of the factories Act, the period of leave with pay shall be 15 days.

(b) Any workman who desires to obtain leave of absence shall apply to an officer or officers appointed for the purpose by the industrial establishment, A certificate signed by a registered medical practitioner or by a registered or recognized signed by a registered or recognized Void or Hakim shall be accepted in proof of " medical grounds" advanced by a workman.

(c) Applications for leave of absence for less than three days' duration must be made at least 24 hours previous to the time from which the leave is required, except on medical grounds or death in the family in which case the application may be made on the same day.

(d) Applications for leave of a absence for more than three day's duration of a non-urgent character shall be made at least 7 days previous to the date from which the leave is required and will only be received on specified and fixed days in a week, the minimum number being two.

(e) The officer appointed for the purpose, may, if he deems fit, and subject to the exigencies of the industrial establishment grant a workman leave of absence for a period not exceeding one month.

(f) Orders in writing shall be passed by the officer appointed on all the applications for leave of absence by the latest within three days following the receipt of the application, either refusing or sanctioning the leave of absence applied for, provided that in the case of applications for leave of absence of an urgent nature, orders shall be passed without delay. If the application is refused, the officer shall record his reasons for such refusal and if so required by the applicant communicate the reasons to him. The orders passed by the officers shall immediately be communicated to the applicant orally if he is present, and in writing when the applicant is not present, provided that the applicant has given his address and has enclosed the necessary postage for a reply.

(g) A workman granted leave of absence shall be given by the officer appointed a signed pass or certificate in the form prescribed by the certifying officer from time to time showing the date from which the leave of absence will have effect, and the date on which the workman will have to rejoin for work, and also the address of the workman whilst on leave. This pass or certificate shall be retained by the workman.

(h) A record shall be maintained of all leave of absence which is sanctioned.

(i) In the event of a workman applying for an extension of the period of his leave, he shall make an application in writing to the employer before the period of his originally sanctioned leave expires. And the employer shall. Immediately on recorded by him, whether the extension of leave applied for has been sanctioned. And if so for what period.

A certificate of posting granted by the post office shall be deemed to be sufficient proof of a reply having been sent. Provided always that the application for the extension of leave shall be made by the workman in sufficient time by reply-paid telegram or registered post enclosing a stamped and addressed envelope so that a reply may reach the workman before the date of expiry of his leave, and that an extension of leave shall only be granted on medical grounds or death in the family.

A certificate signed by a registered medical practitioner or by a registered or recognized Void or Hakim shall extended he shall lose his lien on his appointment unless, (1) he returns within eight days of, the expiry of the period of leave, and (2) gives explanation to the satisfaction of the employer of his inability to return immediately after the expiry of the period. In case a workman loses his lien on his appointment he shall be entitled to be kept on the list of substitutes.

Conditions for promotion of workmen

10-A. Promotions to workmen shall be granted without discrimination and with due regard to seniority and objective standards of qualification.

Payment of wages to employed workmen not present on usual pay day

11. (a) Any wages due to a workman but not paid on the usual pay day on account of their being unclaimed shall be paid by the employer on any working day before the expiry of the third working day after the day on which a demand is made by, the workman, or on his behalf, by his legal representative, in accordance with the Payment of Wages Act in industrial establishments which are amenable to that Act. If the workman is unable to present himself, the employer shall send his pay by money order at his cost, if requested by him so to do, and if the necessary amount has been sent by the workman to the employer in advance to defray the cost of money order commission.

(b) Any wages due to a workman who has died shall be paid to his heir before the expiry of the third working day on which a substantiated claim is presented by his heir or on his behalf by a legal representative, provided that such claim is submitted within three year of the death of the workman.

Entry and exits only by gates appointed

12. No Workman shall enter or leave the premises of an industrial establishment except by the gates appointed for the purpose.

*Workman to leave the premises of the industrial establishment
immediately if not working*

13. Any workman how has been granted leave, played off, suspended, discharged, or has resigned or is not working for any reason, shall leave the premises of the industrial establishment immediately.

*Liability to search on entering and leaving the premises
of the industrial establishment.*

14. All male workman shall be liable on leaving the premises of the industrial establishment to be searched by the gatemen and all female workman shall be liable to be detained by the gatemen for search by a female searcher, if acting without malice, it is suspected that any workman who is so detained is in wrongful possession of any property belonging to the industrial establishment :

Provided that a workman may, with the previous permission in writing of the head of the department, take samples of yarn and/on cloth for the purpose of bona fide trade dispute:

Provided further that on search shall be made except in the presence of two persons of the same sex as the suspected workman.

*Playing-off owing to closure due to fire, breakdown
machinery, failure of power, etc.*

15. (a) The employer may at any time or times, in the event of a fire catastrophe, breakdown of machinery or stoppage of the power supply epidemic, civil commotion or other causes, whether of a like nature or not, beyond the control of the employer, stop any machine or machines or department or departments, wholly or partly for any period or periods by giving two days' notice, if possible. If two days' notice of closure has not been given, the employer shall pay wages in lieu of such notice, i.e. two days, wages :

Provided that no compensation in lieu of notice in excess of wages of the actual period of closure shall be payable when the period of closure is less than two days.

(b) In the event of stoppage of any machine or department under this order, the workmen affected shall be notified by notices pasted in the department and on the notice board as soon as practicable, when will be resumed, and whether they are to remain or to leave the industrial establishment.

(c) The period of detention in the industrial establishment shall not ordinarily exceed two hours after the commencement of the stoppage.

(d) If the period of detention exceeds two hours, the workmen affected may leave the industrial establishment if they so desire.

(e) If the period of detention does not exceed two hours, the workmen so detained shall not be paid for the period of detention.

(f) If the period of detention in the industrial establishment exceeds two hours, the workmen so detained shall be entitled to receive wages for the whole of the time for which they are detained in the industrial establishment as a result of the stoppage.

(g) In the case of pieceworkers the average daily earnings for the previous wages period shall be taken to be the daily wages.

Playing-off for trade purposes

16. (a) The employer may, at any time or time in the event of shortage of orders or for any other trade reasons, stop any machine or machines or department or departments, wholly or partially for a period not exceeding six days in the aggregate (excluding statutory holidays) in any one calendar month by giving seven days' notice. If seven days' notice of closure has not been given, the employer shall pay such amount of compensation to the workmen played off as may be fixed by the State Government or as recommended by a Board of Conciliation or a Tribunal which the State Government may set up from time to time;

Provided that no compensation in excess of wages for the actual period of closure shall be payable in lieu of notice if the closure lasts for less than seven day;

(b) If a workman is "played-off" under this orders for a period of six days in the aggregate in any one calendar month, he may leave his employment in the industrial establishment on intimation of his intention to do so without any further notice.

(c) If any workmen are "played-off" under the provisions of this Standing Orders, they shall be given a "played-off" pass, but if it necessary to "play-off" a line or department it shall be sufficient to affix a notice on the notice board and in the department concerned specifying the line or department in which the workman concerned are "played-off".

Workmen " played-off" under 15 and 16 not to be considered as dismissed

17. Any workman "played-off" under 15 and 16 shall not be considered as dismissed from service but as temporarily unemployed and shall not be entitled to wages during such unemployment except to the extent stated in Orders 15 (a), 15(f) and 16 (a). Unless it is not possible to do so, a reasonable notice shall be given of resumption of normal work by means of a notice pasted on the notice board, and all workmen "played-off" under Orders 15 and 16 who present themselves for work at least 24 hours before the normal workman working is resumed shall have preference in being re-employed.

Closure due to strikes

18. (a) The employer may, in the event of a strike affecting either wholly or. partially any one or more department or departments of the industrial establishments, close down, either wholly or partially, such department or departments, and any other department or departments affected by

such closing down, and for any period or period, and without notice or payment of compensation of compensation or any other relief in lieu of notice to the workmen employed in such department or departments.

(b) The fact of such closure shall be notified by a notice pasted on the notice board and also in the department or departments concerned. The workmen concerned shall be notified by a general notice pasted on the notice board prior to the resumption of work as to when work will be resumed. A and also to the recognized trade unions, if any.

Termination of service by industrial establishment

19. (a) For terminating the employment of a permanent workmen, notice in writing shall be given either by the employer or the workmen-one in the case of monthly-rated workmen and two weeks' notice in the case of other workmen, one month's or two weeks' pay, as the case may be paid in lieu of notice;

Provided that if a permanent workman feels that he has been discharged for reasons not connected with his employment and that the reason of discharge communicated to him is not genuine, he may make an appeal to the Labour Commissioner, The decision of the Labour Commissioner, or a Government Labour Officer appointed by him in this behalf for the purpose, shall be binding on both the parties.

(b) No temporary workman a heather monthly rated weekly-rated or piece-rated and no probatiener shall be entitle to any notice or pay in lieu there of if his services are terminated, but the service of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Standing Order 23.

(c) Where the employment of any workman is terminated by, or on behalf of the employer, the wages earned by him shall be paid before the expiry of second working day from the day on which his employment was terminated in accordance with the provisions of the Payment of Wages Act for the time being in force.

Notice by workman leaving industrial establishments service

20. (a) For terminating the employment of a permanent workman notice in writing shall be given either by the employer or the workman-one month's notice in the case of other workmen; one month's or two weeks' pa/. as the case may be, may be paid in lieu of notice.

(b) A "Probationer", "Substitute", "Temporary" or "Apprentice" workman may leave the service of the employer without notice. The wages due to a "Probationer", "Substitute",

“Temporary” or “Apprentice” workman who has left the employment of the industrial establishment shall be paid within two days of a demand being made.

Issue of service certificates

21. Every permanent or probationer workman at the time of his resigning his service, or his dismissal or discharge, shall be given a service certificate in the form prescribed by the Certifying Officer from time to time.

Acts or omissions constituting misconduct

22. The following acts or omissions will be treated as misconduct:

(a) Wilful insubordination or disobedience whether alone or in combination with another or others of any lawful and reasonable order of a superior.

(b) Striking work either singly or with other a workmen without giving due notice prescribed by law or rules having the force of law.

(c) Inciting, whilst on the premises of the industrial establishment, any workman to strike work.

(d) Theft, fraud or dishonesty in connection with the employers business or property.

(e) Taking or giving bribes or any illegal gratification whatsoever.

(f) Habitual absence without leave or absence without leave for more than three consecutive days.

(g) Late attendance repeated on not less than three occasions within three months.

(h) The collection or canvassing for the collection of any moneys whatsoever for purpose not authorized by the employer within the premises of the industrial establishment.

(i) Drunkenness, lighting, riotous or disorderly behaviour or conduct likely to cause a breach of the peace, or conduct endangering the life or safety of any other person or any act subversive of discipline and any act involving moral turpitude, committed within the premises of the industrial establishment.

(j) Negligence or neglect of work repeated on not less than three occasions within six months.

(k) Indiscipline or breach of any rules or instructions for the maintenance and running of any department or maintaining its cleanliness, repeated on not less than three occasions within six months.

(l) Smoking within the premises of the industrial establishment except in places where smoking is permitted.

(m) Damage to work in process or to any other property of the industrial establishment.

(n) Failure to observe safety instructions, unauthorized removal, interference or damage to machinery, guards, fencing and other safety device installed in the premises of the industrial establishment.

(o) distributing or exhibiting inside the premises of the industrial establishment any newspaper, handbills, pamphlets or posters without the previous sanction of the employer.

(p) Refusal to work on another machine of the same type.

(q) Holding meeting inside the premises of the industrial establishment without the previous sanction of the employer.

(r) Threatening or intimidating any workman or employee within the premises of the industrial establishment.

(s) Disclosing to any unauthorized person or persons any information in regard to the working or process of the industrial establishment which comes into the possession of a worker during the course of his work.

(t) Gambling within the premises of the industrial establishment.

(u) The sale or canvassing for the sale of tickets or chances in any lotteries or raffles within the premises of the industrial establishment.

(v) The sale or canvassing for the sale of any commodity within the premises of the industrial establishment.

(w) The sale or canvassing for the sale of tickets coupon, or tokens in connection with any scheme for the sale of any commodity or article within the premises of the industrial establishment, without the previous sanction of the employer.

(x) Sleeping whilst on duty.

(y) Insubordination malingering, deliberate delaying of production or carrying out of order.

(z) Any habitual breach of Standing Orders.

Explanation - No act of misconduct which is committed on less than three occasions, within the space of one year or a lesser period shall be treated as "habitual".

Pennines for misconduct

23. (a) Any workman who is adjudged by the employer on examination of the man, if present, and of the facts to be guilty of misconduct is liable to be summarily dismissed without notice or compensation in lieu of notice, or alternatively to be suspended for a period not exceeding four days.

(b) The order of dismissal and suspension shall be in writing and must also briefly mention the reason on which it is based. The written order of dismissal and suspension shall be communicated to the workman.

(c) No order of dismissal or suspension under Standing Order 23(a) for misconduct shall be made unless the workman concerned, if present, is given an opportunity to explain the circumstances alleged against him. The explanation given by the workman shall be reduced to writing and he shall be given an opportunity to produce evidence in his defence.

(d) In awarding any punishment under this Standing Order, the employer shall take into account the previous record, if any, of the workman and any other extenuating circumstances that may exist.

Acts or omission for which ensure notice or fines may be imposed

24. Workman may be fined or alternatively be given a censure or warning notice if found guilty of any of the under noted acts or omissions provided that for offences under Standing Order 24(b) and Standing Order 24(d) a censure or warning notice only may issued:

(a) Late attendance or absence from duty without leave, without sufficient cause.

(b) Negligence in work or neglect of work.

(c) Entering or leaving the premises of the industrial establishment except by the gate or gates provided for the purpose.

(d) Absence without leave or without sufficient cause from appointed place of work or machine.

(f) Expecting or other wise committing a nuisance on the premises of the industrial establishment.

(g) Failure to wear tightfitting clothing provided by the employer in accordance with Rule 53 of the U.P. Factories Rules, 1950.

Procedure for imposition of fines and censure notice

25(a) Fine shall be imposed only in accordance with the provisions of the Payment to impose fines under the said Act.

(b) No fines shall be imposed unless the workman concerned has been given an opportunity of explaining the act or omission alleged against him in accordance with the provisions of the Payment of Wages Act for the time being in force.

(c) The proceeds of all fines realized shall be credited to a special fines fund and shall be utilized for purposes as may be ordered in this behalf by the State Government under the provisions of the payment of Wages Act.

(d) Censure or warning notices board shall be credited to a special fines fund and shall employer or officer whose names shall have been duly notified by a notice pasted on the notice board and only after the workman concerned has been given an opportunity of explaining the act or omission alleged against him. The explanation given by the workman must be reduced to writing and he should be given an opportunity to produce evidence in his defence.

Deductions for damage to or loss of goods or money

26. In accordance with Section 7, subsection (2)(c) of the Payment of Wages Act, deductions may be made for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his GROSS neglect or WILFUL default.

Summary suspension pending enquiry into alleged misconduct

27. (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence under the Standing Orders are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.

(b) A workman who is placed under suspension under clause (a) shall during the period of such suspension be paid subsistence allowance at the following rates, namely:

(i) Where the enquiry contemplated or pending is departmental, the subsistence allowance shall, for the first ninety days from the date of suspension, be equal to one-half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled if he were on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall for such period be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances:

Provided that where such inquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding

ninety days be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

(ii) Where the enquiry is by an outside agency of, where criminal proceedings in respect of any offence under the Standing Orders against the workman are under investigation or trial, the subsistence allowance shall for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic wages, dearness allowance other compensatory allowances to which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings gets prolonged and workman continues to be under suspension for a period exceeding one hundred and eighty days the subsistence allowance shall for such period be equal to three-fourths of such wages:

Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding one hundred and eighty days, be reduced to one-fourth of such wages.

(c) If on the conclusion of the enquiry or of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity is of making representation on the penalty proposed that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any further remuneration for such period. The subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceed four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the workman shall be deemed to have been on

duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period;

Provided also that in the case of a workman to whom the provisions of clause (2) of Article 311 of the Constitution apply, the provisions of that Article shall be complied with.

(d) If on the conclusion of the enquiry or of the criminal proceeding, as the case may be, the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received had he not been placed under suspension after deducting the subsistence allowance paid to him for such period.

(e) The payment of subsistence allowance under this Standing Order shall be subject to the workman concerned not taking up any employment during the period of suspension.

Procedure for enquiring into complaints

28. All complaints arising out of his employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent or servant, shall be submitted by a workman or on his behalf by a registered union of which he is a member or by a Government Labour Officer to the Labour Officer of the industrial establishment, or if there is none, to any other officer appointed by the employer in this behalf. The officer to whom the complaint at such times and place as he may fix, and the complainant workman or registered union or the Government Labour Officer, as the case may be, shall have the right to be present at such investigations:

Provided that the complaints relating to-

(1) assault or abuse by any person holding a supervisory position; or

(2) refusal of an application for urgent leave,

shall be enquired into without avoidable delay by the investigating officer.

Where the complainant alleges unfair treatment or wrongful exaction on the part of his employer or his agent or servant, a copy of the order finally made shall be supplied to the complainant if he asks for one, and also to the employer. In other cases the decisions for the investigating officer, and the action, if any taken by him shall be intimated to the complainant, and a copy of the same supplied to the employer:

Provided that the complainant workman shall have the right of appeal to the Labour Commissioner or to a Conditional Officer of the State Government or to the machinery provided

by collective agreements, if any, against the decision of the investigating officer or the employer, without prejudice to any right of the workman aggrieved by the decision of the investigating officer or the employer to resort to legal proceedings in a court of law:

Provided also that a workman or a registered union of which he is a member may submit a complaint of dismissal for decision to the Labour Commissioner or to a State Conciliation Officer direct, without first referring it to the Labour Officer of the industrial establishment or if there is none, any other officer appointed by the appointed by the employer in his behalf or the employer:

Provided further that on complaint, whether in the first instance or in an appeal, shall be referred to a Conditional Officer or a Labour Officer of the State Government, if he acts as a representative of the workman in putting up the complaint.

29. (a) The decision of the employer upon any question arising out of, in connection with, or incidental to these orders shall be final, provided that the workman aggrieved by the employer's decision-

(1) shall have the right of appeal within three days of the employer's decision to the joint Disciplinary Committee consisting of an independent chairman by the Labour Commissioner, a representative of the employer and a representative of the workman, who shall pass orders on the appeal within 10 days of its being made;

Note-The representatives of employer and workman shall not be those who are interested in the subject-matter under appeal.

(2) Shall have the right thereafter to appeal against the order of the Joint Disciplinary Committee within two months of the date when the order was made, or of the date on which the aforesaid period of 14 days expired, to the Labour Commissioner or to the Appellate Authority if an appeal lies under the Act.

(b) Should a workman or employer send a notice through a legal practitioner or resort to any legal process whatsoever or indicate in any other manner his intention of having recourse to legal process, on appeal shall be heard by the Labour Commissioner.

Right of employer to refer matters to the Labour

Commissioner for decision

30. The employer may at his discretion refer any matter for decision to the Labour Commissioner without giving any prior decision of his own, and the decision of the Labour Commissioner in such cases shall be final and binding on the workman and the employer, subject to the provisions of the Act and/or Rules.

31. Each head mistri, jobber and mistri shall be personally held responsible subject to the provisions of subsection (2) of Section 13 of the Act, for the proper and faithful observance of the Standing Orders and of the special rules made under the Factories Act and posted in the industrial establishment, particularly regarding the employment and working of the women and children under him.

Wage slip

32. (a) Every permanent workman working in the industrial establishment shall be provided with a registration card. In addition to this every workman shall be given a wage slip which shall contain the following information:

- (i) Number of days worked.
- (ii) Total production.
- (iii) Rate payable.
- (iv) Overtime (number of hours.)
- (v) Total basic wages earned.
- (vi) Dearness allowance.
- (vii) Other allowances (to be specified).
- (viii) Gross earnings.
- (ix) Deductions.
- (x) Net amount payable.

Every workman shall be allowed to retain the wage slip issued to him.

(b) In case where wages are distributed in the morning, wage slips shall be distributed to workman not later than the middle of the day previous to the day fixed for the distribution of wages and where wages are distributed in the afternoon, not later than the forenoon of the day on which the wages are distributed:

Provided that in the case of other than permanent workmen, the wage slips may be distributed to such workman before the time of payment.

(c) Any objection as to the correctness of the amount payable to a workman shall be enquired into at once so that there may be no delay in payment at the time fixed.

(d) If for any reason it is not possible to conclude the enquiry into the objection before the time fixed for payment, the objection shall be registered and the amount shown on the wage slip

paid to the workman at the time fixed for payment and, if found correct any difference in the amount payable to a workman shall be paid within six days of the date of his objection:

Provided that where an objection has been registered and the custom exists of taking a receipt from the workman, no final receipt for payment shall be taken until such time as the objection has been enquired into and disposed of.

Procedure regarding notices

33. All notices required to be posted under these Standing Orders shall be in English, Hindi and Urdu and shall be kept in a legible and clean condition and copies thereof shall be sent to the Certifying Officer and to the recognized trade unions, if any, at the time of posting.

Day-to-day working

34. Notwithstanding anything to the contrary contained in these Standing Orders it shall be lawful for an employer, if circumstances require or justify the such action shall be taken, and with the previous written consent of the Certifying Officer and after giving not less than 14 days' notice to the workman of his intention to do so, to substitute for the then existing system of employment of his workman a system of day-to-day employment, such of these Standing Orders as are inconsistent with a system of day-to-day employment shall cease to apply and the employment of a workman shall be by either the employer or the workman at twenty-four hours notice.

When considering applications from employers under this Order, the Certifying Officer shall not give permission to work on a day-to-day system for a period of more than three months in respect of any one application:

*Standing Orders to be posted on notice-boards and
in all departments, etc.*

35. (a) A copy of these Orders in English, Hindi and Urdu shall be posted on the notice-board and in other place on the premises of the industrial establishment as the employer may decide, and shall be kept in a legible and clean condition.

(b) A copy of these Orders shall be supplied to each head mistri, jobber and mistri in the language which he ordinarily uses.

English version to be followed in case of conflict of meaning

36. If there is any conflict between the Urdu and Hindi version of these Standing Orders, the English version shall be followed.

Welfare schemes

37. The employer shall not withdraw any existing welfare scheme without a reference to the Certifying Officer. While introducing such schemes the employer shall consult the representatives of workman and the Labour Commissioner also. The employer shall also supply information with regard to other welfare schemes to the Labour Commissioner and other officers deputed by him to see welfare work inside the industrial establishments and workmen's settlements of employers.

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

Standing Orders for Workmen

APPENDIX A

[Standing Order No. 4(a)]

Front

Name of the Industrial Establishment.....

Serial No.

Name of the Association of employers.....

industrial establishment is a member there of.....

Worker's Application for Employment

Name		Father's name	
Caste	Age	Years	months
Education			
Home address	...	Village	Thana
		P.O	District
		House No	Room No.
Local address	...	Name of house-owner	
		Road	Mohalla
Present employment (if employed)			
Previous employment:			

Name of employer	Address	Duration	Capacity	Reason for leaving
------------------	---------	----------	----------	--------------------

1.

2

3.

Post desired

Other posts he can fill

Reference:

Name

Father's name

Department

Capacity

T.No.

1. Industrial establishment's employee:

Name

Father's name

Address

Occupation

2. Outsider

3. Outsider

Left thumb-impression of witness.

Signature or left thumb-impression of applicant.

Date.....

APPENDIX A

Standing Order No 4 (a)

Back

I....., son of....., caste..... of..... in.....district, do hereby employment with Messrs.....on the terms and conditions of service prescribed in the Standing Orders of the said industrial establishment as certified by the Certifying Officer for the time being in force and I do hereby agree that in the event of my becoming a permanent workman if I wish to terminate my employment I shall give my employer one month's/two week's previous notice in writing of my intention to do so or wages of one month/two weeks in lieu of the notice and that in the same event if my employer wishes to terminate my employment for any reason other than for misconduct he shall give me one month's or two week's previous notice in writing or one month's/two week's wages in lieu of notice.

(Signed).....

In the presence of-

Atdated.....

(1)

(2)

The workman named above is hereby employed on the terms and conditions herein-
before mentioned.

(Sd).....

Designation.....

At.....dated.....

Notifications

(1)

*English translation of Vidhut vibhag, Noti.No. 2822-E-701XXIII-PB-15- EH-67 dated May 28, 1970,
published in U.P. Gazette, part I,
dated 6th June, 1970, p. 2440*

In pursuance of the provisions of section 13-B of the Industrial Employment (Standing Orders) Act, 1946 (Act No. 20 dk 1946), the Governor is pleased to notify in the official section (c) of Section 79 of the Electricity (Supply) Act, 1948 (Act No. 54 of 1948):

“Notwithstanding any rule of order or practice hitherto followed, the date of compulsory retirement of an employee of the Board will be the date on which he attains the age of 58 years:

Provided that-

- (i) In the case of the inferior servants of the Board, whose counterparts under State Government are at present entitled to serve up to the age of 60 years, the age of compulsory retirement will be the date on which the attain the age of 60 years;
- (ii) The Board or its subordinate appointing authority may require an employee to retire after he attains or has attained the age of 55 years on three months' notice or three months' salary in lieu thereof without assigning any reason.

(2)

*English terrorisation of Shram Vibhag, Anubhag -2, Noti. No. 202 (v)
(2) XXXVI-3-3 (i) (SO)-78, dated May 10, 1958, published in U.P.
Gazette, Part I, dated 27th May, 1978, P. 1135*

In pursuance of the provisions of clause (vii) of Rules 2 of the Uttar Pradesh Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946) and in suppression of all the previous notifications issued on the subject from time to time, the Governor is pleased to appoint all the Labour Inspectors, Welfare Inspectors, Chief Investigators and Assistant Trade Union Inspectors, as Inspectors for whole of Uttar Pradesh for the purpose of carrying out the provisions of the said Act and Rules framed thereunder.

(3)

English Translation of Shram Vibhag, Anubhag-2, Noti. No. 202 (v) XXXVI-3 (I) (SO)-78, dated May 10, 1978, published in U.P. Gazette, Part I,

Dated 27th May, 1978, p. 1136

In pursuance of the provisions of clause (vi) of Rule 2 of the Uttar Pradesh Industrial Employment (Standing Orders) Rules, 1946 framed under the Industrial Employment (Standing Orders) Act, 1946 (Act. No.XX of 1946), and in suppression of all the previous notifications issued on the subject from time to time, the Governor is pleased to appoint the following officers to be the Labour Officers for the whole of Uttar Pradesh to perform the duties of a Labour Officer under the said Act and Rules :

- (1) Labour Commissioner, U.P.
- (2) All the Additional Labour Commissioner, U.P.
- (3) All the Joint Labour Commissioner, U.P.
- (4) All the Deputy Labour Commissioner, U.P.
- (5) All the Assistant Labour Commissioner, U.P.
- (6) All the Regional Additional Labour Commissioner, U.P.
- (7) All the Regional Deputy Labour Commissioner, U.P.
- (8) All the Regional Assistant Labour Commissioner, U.P.
- (9) All the Regional Consolidation Officers, U.P.
- (10) All the Labour Enforcement Officers, U.P.
- (11) All the Labour Officers, U.P.
- (12) Deputy Chief Inspector of Shops, U.P.
- (13) Labour Officer (Industrial Relations, U.P.
- (14) Deputy Registrar, Trade Unions, U.P.
- (15) All the Assistant Registrars, Trade Unions, U.P.
- (16) All the Trade Union Inspectors, U.P.

- (17) Senior Research Officer, U.P.
- (18) Conciliation Officer (Research),
- (19) Standing Orders Officer, U.P.
- (20) Union Vikas Adhikari, U.P.
- (21) Labour Welfare Officer, U.P.
- (22) All the Regional Assistant Welfare Officers, U.P.
- (23) All the Assistant Labour Officers, U.P.
- (24) All the Labour Inspectors.
- (25) All the Assistant Trade Union Inspectors.
- (26) All the Chief Investigators.
- (27) All the Welfare Inspectors.

(4)

English translation of Shram Anubhag-3, Noti No. 9341. (V) (u) IXXXVI-3-57 (S.O.) (I)-77, dated February 17, published in U.P. Gazette, Extra., dated 17th February, 1979, p.2

Whereas the State Government is of the opinion that the provisions of the Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946), should be applied to all Industrial Establishment which are factories within the meaning of clause (m) of Section 2 of the Factories Act, 1948 (Act No. LXIII of 1948), and where twenty or more workman are working or were working on any day of the preceding twelve months, subject to the conditions that the provisions of the Industrial Employment (Standing Orders) Act, 1946 shall continue to apply to all the Electric Supply Undertakings and all the Waterworks where 10 or more workman are working or were working on any day of the preceding twelve months, as made applicable under Government Notification No. 4751(v)/XXXVI-3-23 (V)-73 dated May 30, 1978.

2. Now, therefore, in exercise of the powers under the proviso to subsection (3) of Section 1 of the said Industrial Employment (Standing Orders) Act, the Governor is pleased to notify his intention to apply the said provisions to all the industrial establishments, mentioned in para. 1 above.

(5)

English translation of Shram Vibhag, Anubhag-3, Noti No. 4751.(V)/XXXVI-3-23 (V) -73,73, dated May 30, 1978 published in U.P.

Gazette, part I, dated 24th June, 1978, p.1483.

In exercise of the powers under proviso to subsection (3) of Section 1 of the Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946) and after giving notice of intention so to do by Notification No.1719 (V)/XXXVI- 3-23(V)-73, dated May 30, 1977,(V)-73, dated May 1977, published in Uttar Pradesh Gazette, dated July 2, 1977, the Governor is pleased to order that the provisions of the said Act shall with effect from the date of publication of his notification in the Uttar Pradesh Gazette, apply to the following establishments in Uttar Pradesh subject to the conditions noted against each:

<i>Industrial Establishment</i>	<i>Conditions</i>	
1. All Electric Supply Undertaking	Where 10 or more workman are employed or were employed on any day of the preceding twelve months.	
2. All the Water Works.		
3. All classes of Industrial Establishments mentioned below:		
(a) All the Industrial Establishments	Wherein 20 or more workman are employed or were employed in the Preceding twelve months.	
(b) All the Industrial Establishments engaged in Oil Industry.		
(c) All the Textile Mills.		
(d) All Ginning and Pressing Mills.		
(e) All Engineering Works.		
(f) All Flour, Dal and Rice Mills.		
(g) All tanneries.		
(h) All Shellac Factories.		
(i) All Printing Presses.		
(j) All Metal Utensils Manufactures.		
All Cottons, Woollen Carpet manuf- Establishments,	Wherein 20 or workman are employed or were employed on any day of preceding twelve months.	(k) ing
(l) All Bakeries and Biscuits manuf- actories.		
(m) All plastic goods manufacturers.		
(n) All hotels and restaurants.		

(o) All Cold Storage.

(p) All Pharmacies.

4. All the Industrial Establishments Employing not less than 10
which the employers voluntarily ap- workmen.
ply for certification of the Standing
Orders in accordance with the Act.

6.

English translation of Shram Vibhag, Anubhag-2. Noti No.1525 (V) XXXVI-3

57 (SO) (8)-78, dated June 13, 1978, published in U.P. Gazette,

Par-I. Dated 8th July, 1978, p. 1550.

In exercise of the powers under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Act No. 20 of 1946) the Governor is pleased to appoint the officers specified in column 2 of the table below to perform such functions of a certifying officer under the said Act as are specified in the corresponding entry in Column 3 thereof:

Serial No.	Designation of officers	Functions of certifying officer
1.	2.	3.
1 Labour Officers posted in regional offices.		In relation to draft standing orders submitted under Section 3 of the said Act- (i) to issue notice or communications to the parties. (ii) to fix dates for hearings. (iii) to investigate into the differences between the parties. (iv) by conferring with the parties and by procuring their agreement, if possible, on various provisions of such draft standing orders, to narrow down their differences, and otherwise to deal with such draft standing orders except to hear, adjudicate on any point relating to the fairness or reasonableness of provisions thereof, which ultimately remain dusted between the parties.

English translation of Shram Anubhag-3, Noti. No. 4367/XXXVI-3-(S.O)-84, dated March 14, 1984, published in U.P. Gazette, Extra, dated 14th March, 1984, pp.2-3

In exercise of the powers under clause (c) of Section 2 of the **Industrial Employment (Standing Orders) Act, 1946**. (Act No. 20 of 1946) read with Section 21 of the General Clauses Act, 1957 (Act No. X of 1897) and in suppression of all the previous notifications in this behalf, the Governor is pleased to appoint the officer specified in Column No. 2 of the table to perform such functions of a certifying officer under the said Act as are specified in the corresponding entry in Column No.3 thereof within the area of their repetitive local jurisdiction.

Sl.No.	Designation of Officer	Functions of Certifying Officer
1	2	3
1	All the Additional Labour Commissioners Uttar Pradesh /Deputy Labour Commissioners Uttar Pradesh posted in the office (i) of the Labour Commissioner, Uttar Pradesh, Kanpur	All functions of Certifying Officer under the said Act.
2.	Regional Additional Labour commissioners/Deputy Labour Commissioner.	
3.	Standing Orders Officers, Uttar Pradesh.	In relation of draft Standing Orders submitted under Section
4.	Labour/Conciliation Officer posted in Regional Offices	3 of the said Act; (1) To issue notices or communications to parties (2) to fix dates for hearings; (3) to investigate into the differences between the parties; (4) by conferring with the parties and by procuring their agreement, if possible, on various provisions of such draft standing orders, to narrow down their differences,

and otherwise to deal with such draft standing orders except to hear, adjudicate on any point relating to the fairness or reasonableness of provisions thereof, which ultimately remain dusted between the parties.

English translation of Shram Anubhag-3, Noti. No. 3996/XXXVI-3_57(1) (S.O.)- 77.

Dated January 23, 1985, published in the U.P. Gazette, Extra, Part IV,

Section (Kha), dated 23rd January, 1985, p.2

In exercise of the powers under the proviso to sub-Section (3) of Section 1 of the Industrial Employment (Standing Orders) Act, 1946 (Act No. XX of 1946), the Governor, after giving notice of his intention so to do by government

Notification No. 3491 (V) (11)/XXXVI-3 (S.O.) (1)- 77, dated February 17, 1979, is pleased to order that the provisions of the said Act shall, with effect from the date of publication of the notification in the Gazette, apply to all Industrial Establishments which are factories within the meaning of clause (m) of Section 2 of the Factories Act, 1948 (Act No. LXIII of 1948) and wherein twenty or more workmen are working or were working on any day of the preceding twelve months, subject to the condition that the provisions of the Industrial Employment (Standing Orders) Act, 1946 shall continue to apply to all the Electric Supply Undertakings and all the Waterworks wherein ten or more workmen are working or were working on any day of the preceding twelve months, as made applicable under government Notification No.4751 (V)/XXXVI-3__23(V)-73, Dated May 30, 1978.

(9)

English translation of Shram anubhag -2, Noti No.222/XXXVI-3-1(S.O.)-90, Dated April 12, 1991, published in the U.P. Gazette, Extra., Part 4, section (Kha), dated 12th April, 1991, p.2

In exercise of the powers under Section 13-B of the Industrial Employment (Standing Orders) Act, 1946 (Act No. 20 of 1946) read with Section 21 of the General Clauses Act, 1897 (Act No. 10 or 1897) and in suppression of Government Notification No. 858/XXXVI-3-1 (s.o.)- 90, Dated September 19, 1990¹. The Governor is pleased to notify that the Uttar Pradesh Road Transport Corporation Employees (other than Officers) Service Regulations, 1981 framed under clause (c) of subsection (2) of Section 45 of the Road Transport Corporation Act, 1950 (Act No. 64 of 1950) shall apply to the workmen employed in the Uttar Pradesh State Transport Corporation.

1. Sec 1990 LLT-V-336

2. Vide Noti. No. 970/XXXVI-3--12(v)-80, dated april 14, 1983, published in U.P. Gazette, Extra., dated 14th April, 1984, pp. 35-68