

College: J D Women's College	Subject: Labor & Employment Laws in India
Dept: MBA	Unit/Topic: IV/Standing order Act, 1946
Semester: 3 rd (HR specialization)	Faculty Member: Kundan Kumar Gautam

The Industrial Employment (Standing Order) act, 1946

Lecture Notes - 2

Applicability of the Act

By virtue of the definition of "Appropriate Government" under Section 2 (b) of the Act, the following categories of industrial establishments fall within the purview of the Central Government for the purpose of the Act and the rest coming under the jurisdiction of the respective State Governments:

- Railways;
- Mines and Quarries;
- Oil fields;
- Industrial Establishments in Major Ports;
- Establishments under the control of the Central Government such as Central Public Sector Companies and Corporations; and
- Industrial Establishments run departmentally by the Central Government, e.g., Post and Telegraph Workshops, Government of India Presses, Mints, Central Public Works Departments, etc.

The Act does not, however, apply to workmen who are governed by the Fundamental and Supplementary Rules, Civil Service Temporary Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railways Establishments Code or any other rules or regulations that may be notified in this behalf by the appropriate Government.

The provisions of the Act also apply to newspaper establishments wherein 20 or more employees are employed by virtue of the enforcement of the Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1955.

Main Provisions

The main provisions of the Act are related to:-

- procedure for submission of draft Standing Orders;
- conditions for certification;
- date of operation and display of these Orders;
- procedure for modification;
- Machinery for the implementation of the Act.
- Procedure for Certification of the Standing Orders

- **Procedure for Submission of Draft Standing Orders**

Section 3 of the Act provides that within 6 months from the date on which the Act becomes applicable to an industrial establishment, the employer shall submit to 3 Certifying Officers, 5 copies of the draft Standing Orders proposed by him for adoption in his industrial establishment.

Section 3 of the Act further provides that provision shall be made in such draft that every matter mentioned in the Schedule and applicable to the establishment and shall be, as far as practicable, remain in conformity with the Model Standing Orders applicable to the establishment. Therefore, the draft Standing Orders should normally provide for the following matters:

- Workmen classification into categories such as permanent, temporary, on probation, etc.
- Method of informing the workmen about working hours, holidays, etc.
- Shift working.

- Temporary stoppages of work.
- Provisions concerning the termination of employment and the notice period.
- Actions/inactions which are treated as misconduct and the consequences for the fault.
- Grievance redressal mechanism in case of unjust or unfair treatment by the employer.
- Attendance marking system for workers.
- Employment termination and the notice thereof to be provided by both employer and the workers.
- Procedure for availing leave and encashment, accumulation of leaves.
- Workmen records and information, etc.