

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

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THE SCHEDULE

# THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

ACT NO. 20 OF 1946<sup>1</sup>

[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 to<sup>2</sup>[the whole of India <sup>3</sup>\*]].

<sup>4</sup>[(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.

<sup>5</sup>\* \* \* \* \*

<sup>6</sup>[(4) Nothing in this Act shall apply to—

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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,—

<sup>1</sup>[(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 <sup>2</sup>[Railway administration] or in a major port, mine or oil-field, the Central Government, and in all other cases, the State Government:

<sup>3</sup>[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;]

<sup>4</sup>[(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 <sup>5</sup>[clause (f) of sub-section (1) of section 7, of the Factories Act, 1948 (63 of 1948)], as manager of the factory;

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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

<sup>1</sup>[(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);

<sup>2</sup>[(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.