

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL RULES, 1946

CONTENTS

1. 1
2. 2
- 2A. 2A
3. 3
4. 4
5. 5
6. 6
7. 7
- 7A. 7A
8. 8

SCHEDULE 1 :-[Model Standing Orders in respect of Industrial Establishments not being Industrial Establishments in Coal Mines]

1. 1
2. Classification of workmen
3. Tickets
4. Publication of working time
5. Publication of holidays and pay-days
6. Publication of wage rates
7. Shift working
- 7A. Notice of changes in shift working
8. Attendance and late coming
9. Leave
10. Casual leave
11. Payment of wages
12. Stoppage of work
13. Termination of employment
14. Disciplinary action for misconduct
15. Complaints
16. Certificate on termination of service
17. Liability of 21[employer]
- 17A. 17A
18. Exhibition of standing orders

SCHEDULE 1A :-MODELSTANDING ORDERS FOR INDUSTRIAL ESTABLISHMENTS IN COAL MINES

1. 1
2. Definition

3. Classification of workmen
4. 4
5. Display of notices
6. Payment of wages
7. Shift working
8. Attendance
9. Absence from place of work
10. Festival holidays and leave
11. 11
12. Railway travel facilities
13. Termination of services
14. Stoppage of work and re-opening
15. Method of filling vacancies
16. 16
17. Disciplinary action for misconduct
18. Time limit for making complaints, appeals, etc
19. Liability of manager of the mine
20. Service certificate
21. Entry and exit
22. Exhibition and supply of Standing Orders

SCHEDULE 1B :-MODELSTANDING ORDERS ON ADDITIONAL ITEMS APPLICABLE TO ALL INDUSTRIES

1. Service Record
2. Confirmation
3. Age of retirement
4. Transfer
5. Medical aid in case of accidents
6. Medical examination
7. Secrecy
8. Exclusive service

SCHEDULE 2 :- SCHEDULE

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL RULES, 1946

In exercise of the powers conferred by section 15, read with clause (b) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section 15, namely :-

1. 1 :-

Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age.

(i) Service card. - Every industrial establishment shall maintain a

service card in respect of each workman in the form appended to these orders, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf together with date.

(ii) Certification of service. -

(a) Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years) at the time of discharge, termination, retirement or resignation from service;

(b) The existing entries in para 16 of Schedule I and para 20 of Schedule I-A shall be omitted.

(iii) Residential address of workman. - A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to his employer any change of his residential address. In case, the workman has not communicated to his employer the change in his residential address, his last known address shall be treated by the employer as his residential address for sending any communication.

(iv) Record of Age. -

(a) Every workman shall indicate his exact date of birth to the employer or the officer authorised by him in this behalf, at the time of entering service of the establishment. The employer or the officer authorised by him in this behalf may before the date of birth of a workman is entered in his service card, require him to supply:

(i) his matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority; or

(ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;

(iii) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf may require the workman to supply, a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer;

(iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the

workman or his parents, or by anear relative, who is in a position to know about the workman's actual or approximate date of birth, before a First Class Magistrate or Oath Commissioner, as evidence in support of the date of birth given by him.

(b) The date of birth of a workman, once entered in the service card of the establish- ment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalised within three months of the appointment of a workman.

(c) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not be reopened under these provisions.

1 \1

These orders shall come into force on

2 \Definition

.. In these orders, unless the context otherwise requires

(a) "attendance" means presence of the workman concerned at the place or places where by the terms of his employment he is required to report for work and getting his attendance marked;

(b) the expressions "employer" and "workman" shall have the meanings assigned to them in section 2(d) and (i) respectively of the Industrial Employment (Standing Orders) Act, 1946;

(c) "Manager" means the manager of the mine and includes an acting manager for the time being appointed in accordance with provisions of the Mines Act, 1952

(d) words importing masculine gender shall be taken to include females;

(e) words in the singular shall include the plural and vice versa.

2 \2

In these rules, unless there is anything repugnant in the subject or context :

(a) "Act" means the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946);

(b) "Form" means a form set out in Schedule II appended to these

rules.

2A. 2A :-

In the Schedule to the Act, after Item 10, the following additional matters shall be inserted, namely :-

10A. Additional matters to be provided in Standing Orders relating to all industrial establishments in coal mines :-

- (1) Medical aid in case of accident;
- (2) Railway travel facilities;
- (3) Method of filling vacancies;
- (4) Transfers;
- (5) Liability of manager of the establishment or mine;
- (6) Service certificate;
- (7) Exhibition and supply of Standing Orders.

10B. Additional matters to be provided in the Standing Orders relating to all industrial establishments,-

- (1) Service Record-matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age;
- (2) Confirmation;
- (3) Age of retirement;
- (4) Transfer;
- (5) Medical aid in case of accidents;
- (6) Medical examination;
- (7) Secrecy;
- (8) Exclusive Service.]

3. 3 :-

The age of retirement or superannuation of a workman shall be as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where there is no such agreed age, retirement or superannuation shall be on

completion of ¹ [58] years of age by the workman.

3 \ Tickets

..

(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker 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 badli shall be provided with the badli 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 casual worker shall be provided with a 'casual' card on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with an 'apprentice' card, which shall be surrendered if he obtains permanent employment.

4 \ 4

Every workman shall be given a ticket appropriate to his classification at the time of his appointment and shall, on being required to do so, show it to the person authorised by the employer in that behalf. The said ticket shall carry the signature or thumb-impression of the workman concerned. If the workman loses his ticket, the Manager shall provide him with another ticket on a payment of 25 paise.

4 \ 4

An application for certification of standing orders shall be made in Form 1.

5. 5 :-

Where a workman meets with an accident in the course of or arising out of his employment, the employer shall, at the employer's expense, make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending on him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act,

1948 . or the Workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.

5 \ Publication of holidays and pay-days

.. Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice-boards.

6 \ Payment of wages

..

(a) Wages shall be paid direct to the individual workmen on any working day between the hours 6.00 a.m. and 6.00 p.m. at the office of the mine. The manager or any other responsible persons authorised by him shall witness and attest the payment and note the date of payment in the wage register. Payment of wages to a contractor's workman shall be made at a place to be specified by the manager and it shall be witnessed by a nominee of the employer deputed for this purpose in writing.

(b) 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 such unclaimed wage pay day in each week as may be notified to the workmen. If the workman so desires, the unpaid wages and other dues payable to him shall be remitted to his address by money order after deducting therefrom the money order commission charges. All claims for the unpaid wages shall be presented to the employer within a period of twelve months from the date on which the wages became due.

(c) Overtime shall be worked and wages thereof paid in accordance with the provisions of the Mines Act, 1952 , as amended by the Mines (Amendment) Act, 1959 and as may be prescribed from time to time. For work on weekly rest day, the workman shall be paid as laid down in any agreement or award or, as the case may be, as per usage or custom.

6 \ 6

As soon as may be after he receives an application under Rule 4 in respect of an industrial establishment, the Certifying Officer shall-

(a) where there is a trade union of the workmen, forward a copy of the draft standing orders to the trade union together with a notice in Form II;

1 [(b) where there is no such trade union, held election of three representatives by

1. Substituted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1968.

7.7 :-

No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.

7 \Shift working

.. More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

7A \7A

[

(1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be. **1** [The memorandum of appeal shall be in Form IV set out in Schedule II to these rules.]

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the Certifying Officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made

in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given-

(a) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions to the representatives of workmen elected under clause (b) of rule 6, or as the case may be, to the employer;

(b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment;

(c) where the appeal is filed by the representatives of the workmen, to the employer and any other workmen whom the appellate authority joins as a party to the appeal.

(4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.]

1. Inserted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1970.

8. 8 :-

A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer.

8 \ Attendance and late coming

.. All workmen shall be at work at the establishment at the time fixed and notified under paragraph 4. Workmen attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936.

8 \ 8

The register required to be maintained by section 8 of the Act shall be in Form III and shall be properly bound and the Certifying Officer shall furnish a copy of

standing orders approved for an industrial establishment to any person applying therefor on payment ¹ [calculated at the following rates per copy

(i) for the first two hundred words or less, seventy-five paise;

(ii) for every additional one hundred words or fraction thereof, thirty-seven paise:

Provided that, where the said standing order exceeds five pages, the approximate number of the words per page shall be taken as the basis for calculating the total number of words to the nearest hundred, for the purpose of assessing the copying fee.]

1. Substituted for "of rupee one a copy" by the Industrial Employment (Standing Orders) Central (Second Amendment) Rules, 1967.

SCHEDULE 1

[Model Standing Orders in respect of Industrial Establishments not being Industrial Establishments in Coal Mines]

1. 1 :-

These orders shall come into force on

2. Classification of workmen :-

(a) Workmen shall be classified as

(1) permanent,

(2) probationers,

(3) badlis,

(3A) fixed term employment;

(4) temporary,

(5) casual,

(6) apprentices.

(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, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.

(c) A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a

probationer in a new post he may, at any time during the probationary period of three months, be reverted to his previous permanent post.

(d) A "badli" is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

(e) A "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(f) A "casual" workman is a workman whose employment is of a casual nature.

(g) An "apprentice" is a learner who is paid an allowance during the period of his training.

(h) A 'fixed term employment' workman is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.

3. Tickets :-

(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker 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 badli shall be provided with the badli 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 casual worker shall be provided with a 'casual' card on which shall be entered the days on which he has worked in the

establishment.

(6) Every apprentice shall be provided with an 'apprentice' card, which shall be surrendered if he obtains permanent employment.

4. Publication of working time :-

The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in the principal languages of workmen employed in the establishment on notice-boards maintained at or near the main entrance of the establishment and at time-keeper's office, if any.

5. Publication of holidays and pay-days :-

Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice-boards.

6. Publication of wage rates :-

Notices specifying the rates of wages payable to all classes of workmen and for the classes of work shall be displayed on the said notice-boards.

7. Shift working :-

More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 and the rules made thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

7A. Notice of changes in shift working :-

Any notice of discontinuance or of restarting of a shift working required by Standing Order 7 shall be in [Form IV-A] and shall be served in the following manner, namely: The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment [* * *] : Provided that where any registered Trade Union of workmen exists, a copy of the notice

shall also be served by registered post on the Secretary of such Union.]

8. Attendance and late coming :-

All workmen shall be at work at the establishment at the time fixed and notified under paragraph 4. Workmen attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936.

9. Leave :-

(1) Holidays with pay will be allowed as provided for in [Chapter VIII of the Factories Act, 1948], and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the [employer or any other officer of the industrial establishment specified in this behalf by the employer], who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days there of, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the [employer or the officer specified in this behalf by the employer] who shall send a written reply either granting or refusing extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

(3) If, the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns within 8 days of the expiry of the leave and (b) explains to the satisfaction of the [employer or the officer specified in this behalf by the employer] his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

10. Casual leave :-

A workman may be granted casual leave of absence with or without pay not exceeding 10 days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible the head of the department shall, as soon as may be practicable, be informed in writing of the absence from and of the probable duration of such absence.

11. Payment of wages :-

(1) Any wages, due to the workmen but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice-boards as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousands.

12. Stoppage of work :-

(1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice-board in the department concerned, ¹ [and at the office of the employer and at the time-keeper's office if any], as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages

for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppage. Whenever practicable reasonable notice shall be given of resumption of normal work.

(3) In case where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such

1. Substituted for "or at the office of the manager" by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

13. Termination of employment :-

(1) For terminating 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 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, may be paid in lieu of notice.

(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly rated or weekly rated or piece rated, and no probationer or badli or fixed term employment workman as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated, but the services 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 Paragraph 14.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated.

14. Disciplinary action for misconduct :-

(1) A workman may be fined up to two per cent of his wages in a month for the following acts and omissions, namely:

(2) A workman may be suspended for a period not exceeding four days at a time, or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:

(a) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior,

(b) theft, fraud or dishonesty in connection with the employer's business or property,

(c) wilful damage to or loss of employer's goods or property,

(d) taking or giving bribes or any illegal gratification,

(e) habitual absence without leave or absence without leave for more than 10 days,

(f) habitual late attendance,

(g) habitual breach of any law applicable to the establishment,

(h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline,

(i) habitual negligence or neglect of work,

(j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 per cent of the wages in a month,

(k) striking work or inciting others to strike work in contravention of the provision of any law, or rule having the force of law.

1(l) Sexual harassment which includes such un-welcome sexual determined behaviour (whether directly or by implication) as-

(i) physical contact and advances; or

(ii) demand or request for sexual favours; or

(iii) sexually coloured remarks; or

(iv) showing pornography; or

(v) any other un-welcome physical, verbal or non-verbal conduct of sexual nature.

2[(4)

(a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence 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.

3[(b) A workman who is placed under suspension shall be paid subsistence allowance in accordance with the provisions of section 10A of the Act.]

4[(ba) In the inquiry, the workman shall be entitled to appear in person or to be represented by an office-bearer of a trade union of which he is a member.

(bb) The proceedings of the inquiry shall be recorded in Hindi or in English or the language of the State where the industrial establishment is located, whichever is preferred by the workman.

(bc) The proceedings of the inquiry shall be completed within a period of three months:

(c) If on the conclusion of the inquiry or, as the case may be, 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 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:

(d) If on the conclusion of the inquiry, or as the case may be, of the criminal proceedings, 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 if he had 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.]

5[(5)] In awarding punishment under this standing order, the **6**[authority imposing the punishment] shall take into account any gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances, that may exist. A copy of the order passed by the **6**[authority imposing the punishment] shall be supplied to the workman concerned.

8 [(6)

(a) A workman aggrieved by an order imposing punishment, may within twenty one days from the date of receipt of the order, appeal to the appellate authority.

(b) the employer shall, for the purposes of clause (a), specify the appellate authority.

(c) the appellate authority, after giving an opportunity to the workman of being heard, shall pass such order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same to the workman in writing.]

1. Inserted vide " INDUSTRIAL EMPLOYMENT(STANDING ORDERS) CENTRAL RULES, 1946" Dt.20.11.99 Published in [NotiNo. F. No. S-12012/1/97-Coord., G.S.R. 386 dt. 5.11.99-Gaz. of India,Pt. II-Sec. 3(i), dt. 20.11.99, p.2259.]

2. Substituted for clauses (4) and (5) by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1967.

3. Substituted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1984.

4. Inserted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

5. Existing clause (6) renumbered as clause (5) by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1967.

6. Substituted for 'manager' by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

8. Inserted, by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

15. Complaints :-

All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person specified in this behalf with the right of appeal to the employer.

16. Certificate on termination of service :-

Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service.

17. Liability of 21[employer] :-

The ¹ [employer] of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

1. Substituted for "manager", by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1975.

17A. 17A :-

(1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the ground of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.

(2) The appellate authority shall after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the certifying officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given

(a) where the appeal is filed by the employer or a workman, to trade unions of the workman of the industrial establishments, and where there are no such trade unions to the representatives of workman elected under clause (b) of rule 6, or as the case may be to the employer;

(b) where the appeal is filed by a trade union to the employer and all other trade unions of the workmen of the industrial

establishment;

(c) where the appeal is filed by the representatives of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal;

(4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(5) the appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(6) On the date fixed, under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.

18. Exhibition of standing orders :-

A copy of these orders in English and in Hindi shall be posted at ¹ [* * *] on a notice-board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

1. The words "at the manager's office and" omitted by the Industrial Employment (Standing Orders) Central(Amendment) Rules, 1975.

SCHEDULE 1A

MODEL STANDING ORDERS FOR INDUSTRIAL ESTABLISHMENTS IN COAL MINES

1. 1 :-

These orders shall come into force on

2. Definition :-

In these orders, unless the context otherwise requires

(a) "attendance" means presence of the workman concerned at the place or places where by the terms of his employment he is required to report for work and getting his attendance marked;

(b) the expressions "employer" and "workman" shall have the meanings assigned to them in section 2(d) and (i) respectively of the Industrial Employment (Standing Orders) Act, 1946;

(c) "Manager" means the manager of the mine and includes an acting manager for the time being appointed in accordance with provisions of the Mines Act, 1952

(d) words importing masculine gender shall be taken to include females;

(e) words in the singular shall include the plural and vice versa.

3. Classification of workmen :-

(a) "Workmen" shall be classified as

(i) permanent;

(ii) probationers;

(iii) badlis or substitute;

(iiiA) fixed term employment;

(iv) temporary;

(v) apprentices; and

(vi) casual.

(b) A "permanent" workman is one who is appointed for an unlimited period or who has satisfactorily put in three months' continuous service in a permanent post as a probationer;

(c) A "probationer" is one who is provisionally employed to fill a vacancy in a permanent post and has not completed three months' service in that post unless the probationary period is extended. If a permanent workman is employed as a probationer in a new post, he may, at any time, during the probationary period not exceeding three months, be reverted to his old permanent post unless the probationary period is extended.

(d) A "badli" substitute is one who is appointed in the post of a permanent workman or a probationer who is temporarily absent; but he would cease to be a "badli" completion of a continuous period of service of one year (190 attendances in the case of below ground workman and 240 attendances in the case of any other workman) in the same post or other post or posts in the same category or earlier if the post is vacated by the permanent workman or probationer. A "badli" working in place of a probationer would be deemed to be permanent after completion of the probationary period.

(e) A "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time, if necessary.

(f) An "apprentice" is a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall inter alia be specified in his term of contract.

(g) A "casual" workman is a workman who has been engaged for work which is of an essentially casual nature.

(h) A 'fixed term employment' workman is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.

4. 4 :-

Every workman shall be given a ticket appropriate to his classification at the time of his appointment and shall, on being required to do so, show it to the person authorised by the employer in that behalf. The said ticket shall carry the signature or thumb-impression of the workman concerned. If the workman loses his ticket, the Manager shall provide him with another ticket on a payment of 25 paise.

5. Display of notices :-

(a) The period and hours of work for all classes of workmen in each shift shall be exhibited in English and in the language understood by the majority of workmen employed in the establishment on notice-boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

(b) Notices, specifying (a) the days observed by the establishment as holidays and (b) pay days shall be posted on the said notice-boards, (c) notice specifying the rates of wages and scales of allowances payable to all classes of workmen and for all classes of work shall be displayed on the said notice-boards.

6. Payment of wages :-

(a) Wages shall be paid direct to the individual workmen on any working day between the hours 6.00 a.m. and 6.00 p.m. at the office of the mine. The manager or any other responsible persons

authorised by him shall witness and attest the payment and note the date of payment in the wage register. Payment of wages to a contractor's workman shall be made at a place to be specified by the manager and it shall be witnessed by a nominee of the employer deputed for this purpose in writing.

(b) 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 such unclaimed wage pay day in each week as may be notified to the workmen. If the workman so desires, the unpaid wages and other dues payable to him shall be remitted to his address by money order after deducting therefrom the money order commission charges. All claims for the unpaid wages shall be presented to the employer within a period of twelve months from the date on which the wages became due.

(c) Overtime shall be worked and wages thereof paid in accordance with the provisions of the Mines Act, 1952 , as amended by the Mines (Amendment) Act, 1959 and as may be prescribed from time to time. For work on weekly rest day, the workman shall be paid as laid down in any agreement or award or, as the case may be, as per usage or custom.

7. Shift working :-

More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, a workman shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift under an agreement with the workman affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 , and the rules made thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said Rules.

8. Attendance :-

All workmen shall be at work at the mine at the time fixed and notified to them.

9. Absence from place of work :-

Any workman, who after going underground or after coming to his work in the department in which he is employed, is found absent from his proper place of work during working hours without permission from the appropriate authority or without any sufficient reason shall be liable to be treated as absent for the period of his absence.

10. Festival holidays and leave :-

(a) There shall be seven paid festival holidays or as laid down in an agreement or an award in force. Out of these seven days the Republic Day, Independence Day and Mahatma Gandhi's Birthday shall be allowed without option and the rest of the days shall be fixed by agreement or local custom. Whenever a workman has to work on any of these holidays, he shall, at his option be entitled to either thrice the wages for the day or twice the wages for the day on which he works and in addition to avail himself of a substituted holiday with wages on any other day or as laid down in an agreement or an award in force.

(b)

(i) The workmen shall be entitled to leave with wages in accordance with provisions contained in Chapter VII of the Mines Act, 1952.

(ii) Normally a workman will not be refused the leave applied for by him. But the employer may refuse, revoke or curtail the leave applied for by workman, if the exigencies of work so demand. Wages in lieu of leave shall be paid to a workman, where he has been refused the leave asked for and in cases where he cannot accumulate the leave any further. If a workman is refused leave in a particular year in the interest of work, it would be open to him next year either to avail of leave on two occasions, with the usual railway concessions or in case he avails of leave on only one occasion, the railway fair for the unavailed trip would be paid to him in the shape of National Savings/National Defence Certificates.

(c) Quarantine leave shall be granted to a workman, who is prevented from attending to his duty because of his coming into contact, though no fault of his own, with a person suffering from a contagious disease. The leave shall be granted for such period as is covered by a certificate from the medical officer of the mine. Payment for the period of quarantine leave shall be at the rate of 50 per cent of the wages (basic plus dearness allowance) payable to a workman. Quarantine leave cannot be claimed, if a workman

has refused to accept during the previous three months prophylactic treatment for the disease in question.

(d) A workman who desires to obtain leave of absence shall apply to the manager not less than fifteen days before the commencement of the leave, except where leave is required in unforeseen circumstances, and the manager shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, orders shall be given on the same day. If the leave asked for is granted, a leave-pass shall be given to the workman. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager, who shall send a written reply either granting or refusing extension of leave to the workman. Sanction/refusal of leave should be communicated to the workman in writing invariably.

(e) If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he

(a) returns within ten days of expiry of his leave, and

(b) explains to the satisfaction of the manager his inability to return on the expiry of his leave.

In case, the workman loses as aforesaid, his lien on the appointment, he shall be entitled to be kept on the "badli list".

(f) A workman may be granted casual leave of absence with pay not exceeding five days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but where this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of such absence and of the probable duration thereof.

(g) Notwithstanding anything mentioned above, any workman who overstays his sanctioned leave or remains absent without reasonable cause will render himself liable for disciplinary action.

11. 11 :-

1 [* * *]

1. Omitted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1984.

12. Railway travel facilities :-

(a) When a workman proceeds on leave and is qualified for free railways fare, the employer shall give him the cost equivalent to his ticket (including bus fare) and for boat to his home.

(b) Every workman who has completed a period of twelve months, continuous service, would qualify for railway fare or bus fare or both for going home on leave and returning to the mine on the expiry of the leave. The twelve months' service shall be deemed to have been completed if, during the twelve months proceeding the date on which he applies for leave, he has worked for not less than two hundred and forty days.

(c) If on the expiry of the leave, a workman returns he shall then receive a cash payment equivalent to the return fare. If on his return the mine is unable to have him back, he shall be paid return fare at once.

(d) If the journey home is by bus or partly by bus and partly by train the cost of the journey shall be adjusted accordingly.

(e) The workman shall be entitled to railway fare by mail or express train wherever under the Railway Rules tickets are available for such travel.

(f) The class by which a workman is entitled to travel shall be :-

(i) if his basic wage is Rs. 165 or less per month III Class

(ii) if his basic wage is above Rs. 165 and up to Rs. 265 per month II Class.

(iii) if his basic wage is above Rs. 265 per month I Class.

13. Termination of services :-

(a) For terminating the services of permanent workman having less

than one year of continuous service, notice of one month in writing with reasons or wages in lieu thereof shall be given by the employer :

Provided that no such notice shall be required to be given when the services of the workman are terminated on account of misconduct established in accordance with the Standing Orders.

(b) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),- (i) no notice of termination of employment shall be necessary in the case of temporary and badli workmen; (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated.

(c) No workman shall leave the service of an employer unless notice in writing is given at the scale indicated below-

(i) For monthly paid workmen One month

(ii) For weekly paid workmen Two weeks:

Provided that it will be for employer to relax this condition and the workman may pay cash in lieu of such notice.

(d) For purposes of Standing Orders 13(a)(b) the terms 'service' and 'wages' shall have the same meaning as assigned to these in S.25(B)(1) respectively of the Industrial Disputes Act, 1947, S.25(B)(2)(RR) respectively of the Industrial Disputes Act, 1947

14. Stoppage of work and re-opening :-

(a) Subject to the provisions of Chapter V-A of the Industrial Disputes Act, 1947, the employer may, at any time, in the event of underground trouble, fire, catastrophe, breakdown of machinery, stoppage of power supply, epidemic, civil commotion or any other cause beyond the control of the employer, stop any section or sections of the mine wholly or partly for any period or periods.

(b) In the event of such stoppage during working hours, the workmen affected shall be notified by notice put up on the notice-board in the departments concerned and of the office as soon as practicable as to when work will be resumed and whether they are to remain or leave their place of work. The workmen will not ordinarily be required to remain for more than two hours after the commencement of the stoppage. Whenever workmen are laid off on

account of failure of plant or a temporary curtailment of production or other causes they shall be paid compensation in accordance with the provisions of the Industrial Disputes Act, 1947 . Where no such compensation is admissible, they shall be granted leave with or without wages, as the case may be, at the option of the workman concerned, leave with wages being granted to the extent of any leave due to them. When workmen are to be laid off for an indefinitely long period, their services may be terminated subject to the provisions of the Industrial Disputes Act, 1947 . If normal work is resumed two weeks' notice thereof shall be given by the pasting of notices at or near the mine office and the workmen discharged earlier by the employer shall, if they present themselves for work, have preference for re-employment.

(c) The employer may in the event of a strike affecting either wholly or partially any section of the mine close down either wholly or partially such section of the mine and any other section affected by such closure. The fact of such closure shall be notified by notices put up on notice-board in the manager's office. Prior to resumption of work, the workmen concerned will be notified by a general notice indicating as to when work will be resumed. A copy of such notice shall be sent to the registered trade union or unions functioning in the establishment.

15. Method of filling vacancies :-

In the matter of filling up of permanent vacancies, badli and temporary workmen and probationers would be given preference in order of their seniority.

16. 16 :-

1 [* * *]

1. Omitted by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1984.

17. Disciplinary action for misconduct :-

(i) **1**[A workman may be suspended by the employer pending investigation or departmental enquiry and shall be paid subsistence allowance in accordance with the provisions of section 10A of the Act. The employer shall normally complete the enquiry within 10 days. The payment of subsistence allowance shall be subject to the workman not taking any employment elsewhere during the period of suspension.] The following shall denote misconduct :

- (a) Theft, fraud, or dishonesty in connection with the employer's business or property.
- (b) Taking or giving of bribes or an illegal gratification whatsoever in connection with the employer's business or in his own interests.
- (c) Wilful insubordination or disobedience, whether along or in conjunction with another or others, or of any lawful or reasonable order of a superior. The order of the superior should normally be in writing.
- (d) Habitual late attendance and habitual absence without leave or without sufficient cause.
- (e) Drunkenness, fighting or riotous, disorderly or indecent behaviour while on duty at the place of work.
- (f) Habitual neglect of work.
- (g) Habitual indiscipline.
- (h) Smoking underground or within the mine area in places, where it is prohibited.
- (i) Causing wilful damage to work in progress or to property of the employer.
- (j) Sleeping on duty.
- (k) Malingering or slowing down work.
- (l) Acceptance of gift from subordinate employees.
- (m) Conviction in any Court of Law for any criminal offence involving moral turpitude.
- (n) Continuous absence without permission and without satisfactory cause for more than ten days.
- (o) Giving false information regarding one's name, age, father's name, qualification or previous service at the time of the employment.
- (p) Leaving work without permission or sufficient reason.
- (q) Any breach of the Mines Act, 1952 , or any other Act or any rules, regulations or bye laws thereunder, or of any Standing Orders.

- (r) Threatening, abusing, or assaulting any superior or co-worker.
- (s) Habitual money-lending.
- (t) Preaching of or exciting to violence.
- (u) Abetment of or attempt at abatement of any of the above acts of misconduct.
- (v) Going on illegal strike either singly or with other workers without giving 14 days' previous notice.
- (w) Disclosing to any unauthorised person of any confidential information in regard to the working or process of the establishment which may come into the possession of the workman in the course of his work.
- (x) Refusal to accept any charge-sheet or order or notice communicated in writing.
- (y) Failure or refusal to wear or use any protective equipment given by the employers.

2 (z) Sexual harassment which includes such un-welcome sexual determined behaviour (whether directly or by implication) as-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other un-welcome physical, verbal or non-verbal conduct of sexual nature.

(ii) No order of punishment under Standing Order 17(1) shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegations made against him. A departmental enquiry shall be instituted before dealing with the charges. During the period of enquiry, the workman concerned may be suspended. The workman may take the assistance of a co-worker to help him in the enquiry, if he so desires. The records of the departmental enquiry shall be kept in writing. The approval of the owner, agent or the chief mining engineer of the employer or a person holding similar position shall be obtained before imposing the punishment of

dismissal. A copy of the enquiry proceedings shall be given to the workman concerned on the conclusion of the enquiry, on request by the workman.

(iii) If a workman is not found guilty of the charges framed against him, he shall be deemed to be on duty during the full period of his suspension and he shall be entitled to receive the same wages as he would have received if he had not been suspended.

(iv) In awarding punishment under this Standing Order, the authority awarding punishment shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the authority awarding punishment shall be supplied to the workman concerned.

1. Substituted for words beginning with "A workman" and ending with "suspension period" by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1984.

2. Inserted vide " INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL RULES, 1946" Dt.20.11.99 Published in [NotiNo. F. No. S-12012/1/97-Coord., G.S.R. 386 dt. 5.11.99-Gaz. of India, Pt. II-Sec. 3(i), dt. 20.11.99, p.2259.]

18. Time limit for making complaints, appeals, etc :-

All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his servant shall be submitted within 7 days of such cause of complaint to the manager of the mine, with the right of appeal to the employer. Any appeal to the employer shall be made within 3 days of the decision of the manager. The employer shall normally give his decision within 3 days of the receipt of the appeal.

19. Liability of manager of the mine :-

The manager of the mine shall personally be held responsible for the proper enforcement of these standing orders provided that where a manager is overruled by his superior, the latter shall be held responsible for the decision taken.

20. Service certificate :-

Every workman who was employed continuously for a period of more than three months shall be entitled to a service certificate at the time of his leaving the service of employer.

21. Entry and exit :-

All workmen shall enter and leave the premises of the

establishment through authorised gates and shall be liable for search while going in or coming out of the premises. In case of women workmen search will only be made by women.

22. Exhibition and supply of Standing Orders :-

A copy of these Orders in English and in the regional languages of the local area in which the mine is situated shall be posted at the manager's office and in such other places of the mine as the employer may decide and it shall be kept in a legible condition. A copy of the Standing Orders shall be supplied to a workman on application, on payment of a reasonable price. A trade union in the establishment will, however, be entitled to the free supply of a copy of the standing orders, provided the union is one which is recognised by the employer.]

SCHEDULE 1B

MODELSTANDING ORDERS ON ADDITIONAL ITEMS APPLICABLE TO ALL INDUSTRIES

1. Service Record :-

Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age.

(i) Service card. - Every industrial establishment shall maintain a service card in respect of each workman in the form appended to these orders, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf together with date.

(ii) Certification of service. -

(a) Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years) at the time of discharge, termination, retirement or resignation from service;

(b) The existing entries in para 16 of Schedule I and para 20 of Schedule I-A shall be omitted.

(iii) Residential address of workman. - A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to his employer any change of his residential address. In case, the workman has not communicated to his employer the change in his residential address, his last known address shall be treated by the employer as his residential address for sending any communication.

(iv) Record of Age. -

(a) Every workman shall indicate his exact date of birth to the employer or the officer authorised by him in this behalf, at the time of entering service of the establishment. The employer or the officer authorised by him in this behalf may before the date of birth of a workman is entered in his service card, require him to supply:

(i) his matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority; or

(ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;

(iii) in the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him in this behalf may require the workman to supply, a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer;

(iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the workman or his parents, or by an near relative, who is in a position to know about the workman's actual or approximate date of birth, before a First Class Magistrate or Oath Commissioner, as evidence in support of the date of birth given by him.

(b) The date of birth of a workman, once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalised within three months of the appointment of a workman.

(c) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not be reopened under these provisions.

2. Confirmation :-

The employer shall in accordance with the terms and conditions stipulated in the letter of appointment, confirm the eligible workman and issue a letter of confirmation to him. Whenever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days

from the date of such confirmation.

3. Age of retirement :-

The age of retirement or superannuation of a workman shall be as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where there is no such agreed age, retirement or superannuation shall be on completion of ¹ [58] years of age by the workman.

1. Substituted for "60" by Industrial Employment (Standing Orders) Central (Amendment) Rules, 1984.

4. Transfer :-

A workman may be transferred according to exigencies of work from one shop or department to another or from one station to another or from one establishment to another under the same employer: Provided that the wages, grade, continuity of service and other conditions of service of the workman are not adversely affected by such transfer: Provided further that a workman is transferred from one job to another, which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the workman or where there is a specific provision to that effect in the letter of appointment, and provided also that (i) reasonable notice is given to such workman, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid travelling allowance including the transport charges and fifty per cent thereof to meet incidental charges.

5. Medical aid in case of accidents :-

Where a workman meets with an accident in the course of or arising out of his employment, the employer shall, at the employer's expense, make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending on him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948 . or the Workmen's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.

6. Medical examination :-

Wherever the recruitment rules specify medical examination of a

workman on his first appointment, the employer shall, at the employer's expense make arrangements for the medical examination by a registered medical practitioner.

7. Secrecy :-

No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.

8. Exclusive service :-

A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer.

SCHEDULE 2

SCHEDULE