

THE ASSAM INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1947

[Dated the 29th September, 1947]

No.GGN.20/4/109.- In exercise of the powers conferred by sub-section (1) of Section 15 of the Industrial Employment (Standing Orders) Act, 1916 (XX of 1946), the Governor of Assam proposes to make the following rules, the same having been previously published for criticism.

1. (1) These rules may be called "The Assam Industrial Employment (Standing Orders) Rules, 1947".

(2) They extend to industrial establishments in Assam.

2. In these rules-

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

(b) "Form" means a form set out in Schedule III appended to these rules;

(c) "Section" means a section of the Industrial Employment (Standing Orders) Act, 1946;

(d) "Rules" means a rule of the Assam Industrial Employment (Standing Orders) Rules, 1947.

3. The model standing orders for the purposes of plantations shall be those set out in Schedule I and those for other industrial establishments as set out in Schedule II.

4. (a) In the draft Standing Orders to be submitted by an employer under Section 3, particulars of the workmen employed in the industrial establishment and of the trade union, if any, to which these workmen belong, shall be given in Forms "B" and "C" respectively. An application for registration of Standing Orders shall be made in Form F;

(b) A statement in Form "A" showing the prescribed particulars detailed in the Schedule (*i.e.* matters required to be provided for in the Standing Orders) which may be applicable to the Industrial establishment and

the reference to the paragraph or clause of the Standing Orders where such particulars have been provided for, shall also accompany the draft Standing Orders.

5. A group of employers in similar industrial establishments desirous of submitting joint draft Standing Orders shall through a person authorised in this behalf by the group or their association if any-

- (i) submit a list of employers constitutions the group with the name and address in full of each establishment;
- (ii) submit a declaration signed by each of the employers forming the group that they will abide by the conditions laid down in the draft Standing Orders submitted by the group;
- (iii) submit separate statements in Forms "B" and "C" in respect of each establishment; and
- (iv) as soon as any particular industrial establishment leaves the group the authorised person or the association related to above shall notify the fact to the Certifying Officer within seven days from the day on which the industrial establishment leaves the group. Such industrial establishment shall continue to be governed by the group Standing Orders already certified, until such time as it submits separate draft Standing Orders of its own to the Certifying Officer and these are duly certified.

6. When a new industrial establishment joins a group of industrial establishment formed in accordance with the procedure laid down in Rule 3, it shall be governed by the Standing Orders of the group it joins and it shall notify the fact to the Certifying Officer.

- 7.** (i) On receipt of the draft Standing Orders the Certifying Officer shall forward as soon as possible, not later than three months from the date of its receipt, a copy thereof by registered post with acknowledgement due together with a notice in Form "D" to the trade union or trade unions named by the employer or employers or to any other trade union or unions which may be known to the Certifying Officer as concerned with the establishment or establishments to which the draft Standing Orders relate, and where there is no such trade union to the representative or representatives of the workmen

as defined in sub-rule (ii) below, [the draft Standing Orders shall also be published in the official *Gazette* for general information along with a notice in Form D];

- (ii) The representative or representatives of the workmen of an industrial establishment, where there is no trade union to represent such workmen, shall be the person or persons (numbering not more than five) elected by the workmen in a meeting specially called for the purpose by the Certifying Officer;
 - (iii) The trade union or the representative or representatives of the workmen of an industrial establishment may submit objections to the draft Standing Orders of the Certifying Officer in triplicate. The Certifying Officer shall besides following the procedure laid down in sub-section (2) of Section 5 of the Act call for a written statement from the employer or employers setting out his or their views on the objections and after hearing the parties, if necessary, shall make an order in writing as to whether, or not any modification of or addition to the draft Standing Orders submitted by the employer or employers is necessary;
 - (iv) The Certifying Officer shall thereon certify the draft Standing Orders after making modifications of or addition to the draft Standing Orders, if any, which his order under sub-section (2) of Section 5 may require and shall within seven days thereafter send by registered post with acknowledgement due a copy each of the certified Standing Orders to the employer and the trade union or the prescribed representative or representatives of the workmen-together with a copy of his order under sub-section (2) of Section 5, written on one side of the paper duly attested and authenticated with the seal of the Certifying Officer on each page of the Standing Orders. Any corrections made therein shall be attested by the initials of the Certifying Officer.
- 8.** (i) The appropriate Government may prescribe additional matters to be included in the Schedule;
- (ii) On such additional matters being included in the Schedule and the fact notified in the Official *Gazette* industrial establishments coming within the operation

of the Act shall submit draft Standing Orders in respect of the additional matters to the Certifying Officer in the manner prescribed in Section 3 of the Act. The Certifying Officer shall, on receipt of the draft, proceed in the manner laid down in Rule 7.

9. The appellate authority shall, on an appeal being preferred to him against the order of the Certifying Officer confirming or modifying the draft Standing Orders, or adding thereto, give notice of the appeal to the Certifying Officer, the industrial establishment and trade union or the prescribed representative of workmen concerned stating the date, place and time at which he intends to hear the appeal and shall give reasonable opportunity to the Certifying Officer and the parties for being heard in person or through their legal representative before he passes an order on the appeal.

10. Where as a result of appeal under Section 6 the Appellate Authority passes an order in writing amending the said Standing Orders it shall within seven days of the date of such order send copies thereof by registered post with acknowledgement due to the Certifying Officer, the employer and the trade union or the prescribed representative of the workmen accompanied, unless it (Appellate Authority) has confirmed without amendment the Standing Orders as certified by the Certifying Officer, by copies of the Standing Orders as certified by it and duly authenticated with the seal and signature of the Appellate Authority on each page of the Standing Orders certified by it.

11. The Certifying Officer shall maintain a register in Form "E" in which all Standing Orders as finally certified under the Act shall be filed. He shall furnish a copy thereof to any person applying therefor on payment of a fee of twelve annas for the first two hundred words or less and six annas for every additional one hundred words or fraction thereof.

12. When a notice is served on the Certifying Officer under Rule 9 he may, if he so desires, depute one of his officers to represent him at the hearing of the appeal.

SCHEDULE-I

Model Standing Orders for Plantations and Factories therein

These orders shall come into force on.....

1. Classification of Workers

In these orders unless there is anything repugnant in the subject or context,-

- (a) A permanent worker is one who resides upon the tea estate and whose name is entered in the estate roll of workers and includes any person who has completed a probationary period of months in the same or any other occupation in the industrial establishment, including breaks due to sickness, accident, leave, lockout, strike (not illegal strike) or involuntary closure of the establishment;
- (b) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed months' service therein;
- (c) An "Outside worker" is one who resides outside the estate but whose name is entered on the estate roll of workers; provided that one who is a regular and whole-time worker shall not be deemed to be an outside worker for the purposes of standing order 9(b).
- (d) A "temporary worker" is a worker who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period;
- (e) "Learner" is a worker who is employed on probation by the manager and who may be paid a nominal wage during his period of training.

2. Manner of intimating to Workmen periods and hours of work, holidays, pay days and wage rates

(a) *Periods and hours of work*— For those workers who are employed at regular and fixed hours, the periods and hours of work shall be pasted on a notice board at the Office and/or Factory.

For other workers the periods and hours of work shall be intimated by authorised persons either verbally or by signal (siren, gong, bell, etc.) according to the usage of the estate.

(b) *Holidays and pay days*—

Notices specifying,-

- (i) the days observed by the estate as holidays,
 - (ii) pay days,
- shall be prominently displayed at the Office and/or "Factory".

(c) *Wage Rates*— A notice setting out the wage rates of classes of workers who are engaged on daily, weekly, fortnightly or monthly wages shall be displayed prominently at the manager's office and a notice board maintained at or near the entrance to the establishment.

3. Payment of Wages

(1) *India's Order 11*— 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 thousand.

4. Working hours in Factories

Working hours in the Factory shall be regulated in accordance with the Factories Act, 1934.

5. Attendance and late coming

- (a) All workers who have not been granted leave by an authorised person or certified as sick by an authorised member of the medical stall, shall be at work at the time indicated in the manner prescribed in clause 2(a).
- (b) If any worker arrives more than half-an-hour after the stipulated time without sufficient reason he shall be liable to be refused work for that day, or in the case of workers paid on a daily or hourly basis, a deduction may be made from wages proportionate to the time absent according to the provisions of the Payment of Wages Act.
- (c) Deductions from wages for absence without leave during working hours may also be made in accordance with the provisions of the Payment of Wages Act.

6. Conditions of procedure in applying for, and the authority which may grant leave and holidays

- (a) Any worker who wishes to obtain leave shall apply to the manager or his authorised representative who shall issue orders on the application within a week of submission of the application for leave or two days prior to the commencement of the leave applied for whichever is earlier, provided that if the leave is to commence on the date of application or within three days thereof, the order shall be passed on the same day. If the leave applied for is refused or postponed, the fact of such refusal or postponement and the reasons therefore 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;
- (b) If any worker remains absent in excess of leave period granted, he shall be treated as absent without leave unless he shall on his return be able to give to the Management a satisfactory reason for his absence;
- (c) Absence without leave shall render a worker liable to fine in accordance with the provisions of the Payment of Wages Act. Repeated offences shall render a worker liable to reduction to a lower grade or to dismissal;
- (d) The Manager or his authorised representative shall be the authority which may grant the leave;
- (e) The number of holidays to be granted and the days which shall be observed as holidays by the estate shall be regulated in accordance with the Factories Act and Rules and the custom or usage of the estate.

7. Requirement to enter premises by certain gates and liability to search

- (a) No worker shall enter or leave the factory premises except by the entrance appointed for the purpose;
- (b) The Manager may by writing or printed notification posted at the office and/or Factory, debar any worker, workers or class of workers from entering any prescribed part or parts of the Factory, Office Hospital or Bungalow premises;
- (c) Factory gates may be kept closed during working hours

at the discretion of the Management and any workers must not leave the premises during working hours without permission;

- (d) All workers shall be liable on entering or leaving the Factory to be detained for search by any authorised person who may, acting without malice, suspect that the worker so detained is in wrongful possession of property belonging to the Company or prejudicial to the security of the premises. Provided that no worker shall be searched except by a person of his or her own sex and in the presence of another person of his or her own sex.

8. Closing and re-opening of sections of the industrial establishment, and temporary stoppages of work, and the rights and liabilities of the employer and workman arising therefrom

- (a)(i) The Manager may at any time in the event of fire, catastrophe, breakdown of machinery, stoppage of power or supply, epidemic, civil commotion, strike, extreme climatic conditions or other cause beyond his control, close down either the factory or field work or both without notice and without compensation in lieu of notice;
- (ii) In the event of such stoppages during working hours, the workmen affected shall be notified by notices put upon the notice board in the office and/or factory, 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 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 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 shall be admissible in case of such stoppages. Whenever practicable, reasonable notice shall be given of resumption of normal work;

- (iii) 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;

- (b) When either factory or field work has been closed down for any of the above reasons, the Manager shall order resumption of work as soon as possible, after the cause of stoppage has ceased to exist or as soon as is otherwise practicable provided that it appears to the Manager that a sufficient number of workers are present and willing to resume.

9. Termination of employment and notice thereof to be given by the employer and workmen

Notice of termination of employment, whether by Manager or by worker, shall be given equal to the wage-period of the worker concerned :

Provided that—

- (a) the Manager may in his discretion terminate the employment of a worker forthwith and pay his wages for the wage-period (equivalent to his average earnings over the preceding period of three months) in lieu of notice;
- (b) Notice of termination of employment shall be necessary only in case of permanent workers and not in the case of outside or temporary workers except in so far as is laid down in any agreement entered into between the Manager and such outside or temporary workers;
- (c) the Manager may dismiss without notice any worker who is guilty of misconduct;
- (d) Where the employment of any worker is terminated the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day on which his employment is terminated.

10. Acts or omissions which constitute misconduct

- (a) The management reserves the right to dismiss any worker without notice and without wages in lieu of

notice for any gross misconduct. The following acts and omissions shall constitute gross misconduct :

- (1) Wilful insubordination or disobedience, whether alone or in combination with another, or others of any lawful and reasonable order of a superior;
- (2) Theft, fraud or dishonesty in connection with the company's business or property;
- (3) Taking, giving, offering or soliciting bribes or any illegal gratification whatsoever;
- (4) Habitual absenteeism without leave;
- (5) Habitual late attendance;
- (6) Collection of money within the estate for purposes not sanctioned by the management;
- (7) Riotous conduct;
- (8) Inciting others to disturbance or violence;
- (9) Smoking on the Factory premises;
- (10) Habitual breach of rules or instructions for the maintenance and running of any department or the maintenance of cleanliness of any portion of the estate premises or factory compound;
- (11) Wilful destruction of or damage to garden property;
- (12) Repeated disregard of safety rules in factory.

(b) The Manager reserves the right to fine any worker for the following offences to the extent permitted by the Payment of Wages Act.

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11. Means of redress for workers against unfair treatment or wrongful exactions by the employer or his agents or his servants

The Manager will be liable personally to receive complaints from any worker who feels himself aggrieved owing to alleged unfair treatment, wrongful exactions, withholding dues etc. In the event of a worker not being satisfied with the adjudication of the Manager, the worker shall be at liberty to represent the grievances to the Labour Commissioner, Assam.

12. Sickness, sick leave, payment of sick and attendance allowance and maternity leave and benefits

- (a) Any worker who is sick or injured shall report personally or by message to the Medical Officer or his representative at the Hospital of Dispensary;
- (b) Any worker who is sick or convalescent shall be granted sick leave against certification by the Medical Officer or his representative;
- (c) Any worker who is certified as sick or convalescent and unable to work shall be entitled to such rates of sick 'pay' as the estate may have laid down subject also to such qualifying period before commencement of payment as the Manager may lay down;
- (d) Should the Medical Officer or his representative certify that an attendant or attendants are required for care of a sick worker, attendant or attendants shall be paid at such rates as the estate may have laid down;
- (e) Maternity leave and benefits shall be granted on a scale not lower than those provided for under the Assam Maternity Benefit Act, 1945.

13. Housing, Accommodation and Land for cultivation

- (a) Permanent workers and their immediate dependants shall be entitled to occupy rent-free quarters provided by the estate during the period of and as an incident to their employment by the Manager;
- (b) Workers may be permitted during the period of and as an incident to their employment to cultivate land belonging to the estate on such terms for under such lease, permit or licence as the Manager shall lay down.

14. Liability of Manager

The Manager of the estate shall personally be held responsible for the proper and faithful observance of the Standing Orders.

15. Exhibition of Standing Orders

A copy of these orders in English, and in shall be posted at the Manager's office and on a notice board maintained at or near the entrance to the establishment and shall be kept in a legible condition.

SCHEDULE-II**Model Standing Orders for other Industrial Establishments**

1. These orders shall come into force on

2. Classification of workmen- (a) Workmen shall be classified as-

- (1) permanent,
- (2) probationers,
- (3) badlis,
- (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, lockout, 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 old 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.

3. Tickets- (1) Every workman shall be given a permanent ticket unless he is a probationers, 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 authorised by the manager to inspect it.

(3) Every, badli shall be provided with a 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 the 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 all 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 one month's notice being given prior to such discontinuance, provided that no such notice will be necessary if as a result of the discontinuance of the shift, no permanent of employee will be discharged. If as a result of discontinuance of shift working, any permanent workmen are to be discharged, they shall be discharged having regard to the length of their service in the establishment, those with the shortest term of service being

discharged first. If shift working is restarted, a week's notice thereof shall be given by posting a notice at the main entrance to the establishment and the time-keeper's office, if any; and the workmen discharged as a result of the discontinuance of the shift, shall, if they present themselves at the time of the restarting of the shift, have preference in being re-employed, having regard to the length of their previous service, under the establishment, those with the longest term of service being re-employed first.

8. Attendance and late coming— All workmen shall be at work at the establishment at the times 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— Holidays with pay shall be allowed as provided for in Chapter IVA of the Factories Act, 1934, where it applies. Besides this religious and other holidays with or without pay may be allowed in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager, 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 thereof, 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 therefore 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 the extension of leave to the workman to the address which the workman must leave behind with the employer 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 manager 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. 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 workman 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 thousand.

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 departments concerned, or at the office of the manager, 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 stoppages. Wherever practicable, reasonable notice shall be given of resumption of normal work.

(3) In cases 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 all 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 closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

13. Termination of employment- (1) For terminating employment of a permanent workman, notice in writing shall be given either be 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 paid in lieu of notice.

(2) No temporary workmen whether monthly-rated, weekly-rated or piece-rated and no probationer or badli 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 percent of his wages in a month for any of the following acts and omissions, namely-

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Note- Specify the acts and omissions which the employer may notify with the previous approval of the Government or of the prescribed authority in pursuance of Sections of the Payment of Wages Act, 1936.

(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 in subordination 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 employers' 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 provisions of any law, or rule having the force of law.

(4) No order of dismissal shall be made except by a head of a department and unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the charges made against him. In such proceedings memorandum of evidence for and against the charges shall be recorded and an order of dismissal shall be subject to the approval of the manager or where there is no manager an equivalent authority or the proprietor if there be any. When circumstances appear to warrant it, the manager or the proprietor may institute further enquiry before passing final order.

(4)(a) An order of suspension shall be in writing and may take effect immediately on delivery to the workman. Such order shall

set out in detail the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed, the workman, shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded, 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 suspended.

(5) If the interval between an order of suspension and the final order dispensing with the services of a workman exceeds seven days, he shall be paid wages at half the ordinary rate for the entire period.

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

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 Manager- The manager of the establishment shall personally be held responsible for the proper and faithful observance of the Standing Orders.

18. Exhibition of Standing Orders- A copy of those orders in English and in shall be posted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

SCHEDULE-III

FORM A

**[Form referred to in Rule 4(b) of the Assam Industrial
Employment (Standing Orders – Establishment other than
Plantations) Rules, 1947]**

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

FORM F**[Industrial Employment (Standing Orders Section 2)**

Dated..... 19...

To,

The Certifying Officer, Assam, Shillong

Sir,

Under the provisions of section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft Standing Orders proposed by me for adoption in

.....
name

..... an industrial
place (Postal address)

establishment $\frac{\text{owned}}{\text{controlled}}$ by me, with the request that these orders may be certified under the terms of the Act. I also enclose statements giving the particulars prescribed in Rule 3 of the Assam Industrial Employment (Standing Orders) Rules, 1947.

I am, etc.

.....
(Signature)

Employer

.....
Manager

**THE ASSAM INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) STATE (AMENDMENT)
RULES, 1967¹**

(Assam Rule XV of 1970)

NOTIFICATION

No. GLR.466/65/40.— In exercise of the powers conferred by Section 15, read with clause (b) of Section 2, of the Industrial Employment (Standing Order) Act, 1946 (XX of 1946), State Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) State Rules, 1947 the same having been previously published as required by sub-section (1) of the said Section 15, namely—

1. These rules may be called the Assam Industrial Employment (Standing Orders) State (Amendment) Rules, 1967.

2. In Schedule II of the Assam Industrial Employment (Standing Orders) State Rules, 1947 in the model standing order 14—

(i) for clauses 4 and 5, following clauses shall be substituted, namely,—

["**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 such from date as may be specified in the order. A statement setting out in detail the reasons for suspension shall be supplied to the workmen 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 a 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

1. Published in the Assam Gazette Part IIA, dated the 1st April, 1970.

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 allowance :

Provided that where such enquiry 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 or, as the case may be, where criminal proceedings 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 and 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 the 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 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 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 on 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 remuneration for such period and 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 exceeds 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 enquiry 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 allowances 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."]

(ii) Clause (6) shall be renumbered as clause (5) thereof.

**THE ASSAM INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) (AMENDMENT)
RULES, 1983¹**

(Dated the 16th November, 1983)

No. GLR. 621/81/Pt./10.— In exercise of powers conferred under Section 15(1) of the Industrial Employment (Standing Orders) Act, 1946 and subject to previous publication of the draft rules *vide* Notification No. GLR.621/81/9, dated 24th May, 1983, the Governor of Assam is pleased to amend the Assam Industrial Employment (Standing Orders) Rules, 1947 hereinafter referred to as the principal Rules in the manner appearing as below namely—

1. These rules may be called the Assam Industrial Employment (Standing Orders) (Amendment) Rules, 1983.

2. They shall come into force at once.

3. (1) In the principal Rules in para under Schedule II in the model Standing Order 14, for clause 4(a), (b), (c), (d) and (e), the following shall be substituted, namely—

4. (i) Where any workman is suspended by the employer pending investigation or enquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance.

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

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

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

1. Published in the Assam Gazette Part IIA, dated the 30th November, 1983.

**DRAFT RULES
THE ASSAM INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) (AMENDMENT)
DRAFT RULES, 2005¹**

(Dated the 7th October, 2006)

No. GLR(RC)97/2004/26— *The following draft of certain Rules to amend the Assam Industrial Employment (Standing Orders) Rules, 1947 hereinafter referred to as the Principal Rules, which the Governor of Assam proposes to make in exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), is hereby published as required under sub-section (1) of said Section for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after expiry of a period of 30 days from the date of publication of this notification in the Official Gazette.*

Any objections or suggestions which may be received from any person with respect to the draft before the expiry of the period specified above will be considered by the Govt. of Assam in the Labour Department.

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| 1. Short title and Commencement. | 16. Insertion of clause (13) after Standing Order 10. |
| 2. Amendment of rule 1. | 17. Amendment of clause (e) under Standing Order 12 under Schedule-1. |
| 3. Amendment of rule 2. | 18. Insertion of new Standing Order.. |
| 4. Insertion of rule 2-A. | 19. |
| 5. Insertion of new New rule 3-A. | 20. Insertion of Schedule 1-A. |
| 6. Amendment of rule 4. | 21. Amendment of Standing Order 9. |
| 7. Amendment of rule 7. | 22. Insertion in Standing Order 14. |
| 8. Amendment of rule 8. | 23. Insertion of new Standing Orders 19 and 20. |
| 9. Amendment of rule 9. | 24. Insertion of Section-II A. |
| 10. Amendment of rule 10. | 25. Insertion of Schedule II A. |
| 11. Amendment of rule 11. | SCHEDULE II-A |
| 12. Insertion of rule 13. | 1. Extent of application. |
| 13. Amendment of Schedule I. | |
| 14. Schedule 1A. | |
| 15. Amendment of Standing Order 4 in Schedule-I. | |

1. Published in the Assam Gazette Extraordinary No.323, dated 29th December, 2006.

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| 2. Definitions. | 18. Misconduct. |
| 3. Classification of working journalists. | 19. Suspension. |
| 4. Appointment letter, confirmation and promotion. | 20. Penalties. |
| 5. Maintenance of Attendance Register. | 21. Appeals. |
| 6. Maintenance of leave record. | 22. Complaints. |
| 7. Maintenance of service register. | 23. Service Records. |
| 8. Tickets. | 24. Medical Aid in case of Accidents. |
| 9. Publication of periods and hours of work. | 25. Medical examination. |
| 10. Publication of holidays, weekly day of rest and pay days. | 26. Secrecy. |
| 11. Notice on shift working hours. | 27. Exclusive Service. |
| 12. Attendance and late coming. | 28. Supply of copy of the certified Standing Orders free of cost. |
| 13. Payment of wages. | 29. Liability of Manager. |
| 14. Stoppage of work. | 30. Exhibition of Certified Standing Orders. |
| 15. Closure and re-opening of the newspaper establishment. | 31. Amendment of FORM A To Schedule-III. |
| 16. Termination of services. | 32. Amendment of FORM C. |
| 17. Certification of service. | 33. Amendment of FORM D. |
| | 34. Amendment of FORM F. |

1. Short title and Commencement- (1) These Rules may be called the **Assam Industrial Employment (Standing Orders) (Amendment) Rules, 2005**.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Amendment of Rule 1- In the Principal Rules, in Rule 1, in the beginning, after the figure 1 the words "Short title extent and commencement" shall be inserted.

3. Amendment of Rule 2- In the Principal Rules, in Rule 2, (1) in the beginning, after the figure 2 the word "Definitions" shall be inserted.

(ii) after clause (d) the following new clauses shall be inserted namely-

"(e) Inspector means an officer appointed by the State Government by a notification in the *Official Gazette* for the purpose of carrying out the provisions of the Act and includes a Labour Officer".

"(f) Labour Officer means an officer appointed by the State Government to perform the duties of Labour Officer under these rules and includes the Labour Officers of Assam who have been notified in the *Official Gazette* or such by the State Government."

4. Insertion of Rule 2-A- In the Principal Rules, after Rule 2, the following new Rule shall be inserted as Rule 2A namely- "**2A. Powers of Inspector-** (1) 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-

- (a) to enter at all time any place, which is or which he had reason to believe, is an industrial establishment under Section 2(e) of the Act and may examine the premises and all register, records and notices;
 - (b) to photograph or caused to be photographed any place or work or machinery, or to obtain a copy of photograph shetcher test measurement of any register or documents;
 - (c) to inspect any building room or workplace within the industrial establishment;
 - (d) to make enquiries from such persons on the premise of the industrial establishment as he may consider necessary;
 - (e) to call for explanation for any irregularity found in inspection :
- Provided that no such persons shall be compelled under this Rule to give an answer to any question, the answer to which might tend to incriminate him;
- (f) to summon and examine the records of any registered trade union or a federation of the trade unions for the purposes of Rule 7(i); and
 - (g) to seize any records, registers, documents, articles, which he may consider necessary.

(2) *Power of Labour Officer-* In addition to the Powers of the Inspector 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 the employer who will be bound to scarify such a place in the premises, at

a specified time fixed by him and intimated to the workmen and the employer for the purpose of electing representatives of workmen under Rule 7; and to represent the Certifying Officer before an Appellate Authority and in any other Court of Law.

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

5. Insertion of new New Rule 3-A— In the Principal Rules, after Rule 3 the following new rule shall be inserted, namely—

"3-A. The model Standing Orders for the purpose of the Act for application to the working journalists shall be those set out in Schedule II-A appended to these rules."

6. Amendment of Rule 4— In the Principal Rules, in the rule 4(a),—

- (I) at the beginning after the figure '4', the words "Application for certification of Standing Orders." Shall be inserted.
- (II) the word "registration", occurring between the words 'An application for' and 'of Standing' shall be substituted by the word "certification."
- (III) after Form F, the following shall be inserted, namely—
"The draft Standing Order shall be typed out legibly in white foolscap size paper."

7. Amendment of Rule 7— In Rule 7(1) of the Principal Rules— the last two lines beginning with the words "The draft Standing Orders" and ending with "in Form D." shall be substituted by the following namely—

"The certifying officer shall if necessary, get the information given in Forms B and C by an Inspector and take necessary action on getting his report."

8. Amendment of Rule 8— In Rule 8 of the Principal Rules— between the figures, '8' and '(1)' the following shall be inserted namely—

"Power of the appropriate Government to include additional matters in the Schedule."

9. Amendment of Rule 9— In Rule 9 of the Principal Rules, at the beginning after the figure, '9', the word "Appeals" shall be inserted.

10. Amendment of Rule 10— In Rule 10 of the Principal Rules, at the beginning, after figures '10', the words "Mode of service of order" shall be inserted.

11. Amendment of Rule 11— In Rule 11 of the Principal Rules,

- (I) at the beginning after figure, "11", the words "Register of Standing Orders" shall be inserted.
- (II) for the words, 'twelve **annas**' and; six **annas**' the words, 'Register of Standing Orders' shall be inserted.

12. Insertion of Rule 13— In the Principal Rules, after Rule 12, the following new Rule shall be inserted namely—

"13. Mode of Payment of fees— Any person applying for a copy of certified Standing Orders under Rule 11 of the Rules shall credit the fees as prescribed to the Government Treasury under the Head of Account, "2230-Labour and Employment-101-(f) Fees for the copy of certified Standing Orders under the Assam Industrial Employment (Standing Orders) Rules, 1947" and the original copy of the Challan depositing the requisite amount of fees shall be appended with the application addressed to the Certifying Officer."

13. Amendment of Schedule I— In Schedule I of the Principal Rules—

- (i) The word "three" shall be inserted between the words, 'period of' and 'months' occurring in the third line of clause (a) the Standing Order I.
- (ii) the word "three" shall be inserted between the words "completed" and "months" occurring in clause (b) to Standing Order I.
- (iii) after clause (e) to Standing Order 1, the following wing new columns shall be inserted, namely—
"(f) A 'badli' is a workman who is appointed in the post of a permanent workman of probationer who is temporarily absent;"
"(g) A 'casual' workman is a workman whose employment is of a 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, this 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 through his period of employment does not extend to the qualifying period of employment required in the Statute."

14. Schedule IA- In Schedule I of the Principal Rules,- after clause (10) to Standing Order 10(a), the following shall be inserted namely-

"10 B. Additional matters to be provided in the Standing Orders relating to all Industrial Establishments-

- (1) Service Record- matters relating to service card, taken tickets, confirmation 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 services :".

15. Amendment of Standing Order 4 in Schedule-I- In the Principal Rules, in the Standing Order 4 under Schedule I, for the words and figures, 'Factories Act, 1934', the words and figures 'Factories Act, 1948', shall be substituted.

16. Insertion of clause (13) after Standing Order 10- In the Principal Rules, in clause (12) under the Standing Order 10 of Schedule I, the following new clause shall be inserted, namely-

"(13) Sexual harassment which includes such unwelcome sexual determined behaviour (whether directly or by implication) as-

- (i) Physical contact and advances; or
- (ii) demand or request for sexual favours; or

(iii) sexual coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or nonverbal conduct of sexual nature."

17. Amendment of clause (e) under Standing Order 12 under Schedule-I- In the Principal Rules, in clause (e) under the Standing Order 12, of Schedule 1, the words and figures, "the Assam Maternity Benefit Act, 1945." Shall be substituted by "the Maternity Benefit Act, 1961."

18. Insertion of new Standing Order- In the Principal Rules, after Standing Order 15 under Schedule I, the following new Standing Order shall be inserted, namely "**16. Service Record-**

- (i) Service Card;
- (ii) Certification of service;
- (iii) Confirmation;
- (iv) Age of Retirement;
- (v) Medical Aid in case of accidents;
- (vi) Medical Examination;
- (vii) Secrecy;
- (viii) Exclusive service;

19. In the Principal Rules, after clause (b) to Standing Order 10, in Schedule I, the following shall be inserted, namely-

"(c) Service Records,-

- (1) *Service Card-* Every establishment shall maintain a service card in respect of each workman in the form appended to there Standing orders, wherein particulars of that workman shall be recorded with the knowledge of the workman and duly attested by the Manager in this behalf with date.
- (2) *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, month, years) at the time of discharge, termination, retirement or resignation from service.
- (3) *Residential address of workman-* A workman shall notify the employer immediately on engagement the

details of his residential address and thereafter promptly communicate to the Manager any change of his residential address and in the event of failure to do so his last known address shall be treated by the Manager as his residential address for sending any communication.

- (4) *Record of age*– (1) Every workman shall at the time of entering service of the establishment submit the legally recognised certificates in proof of his date of birth and where the exact date of birth is not available and the year of birth is only established then the 1st July of the said year shall be taken as the date of birth.
- (5) *Age of retirement*– The age of retirement or superannuation of a workman shall be as may be agreed upon between the Manager and the workmans under an agreement or as specified in a settlement or award which is binding on both the parties. Where there is no such agreed age, retirement or superannuation shall be on completion of 58 years of age by the workman.
- (6) *Transfer*– A workman may be transferred according to exigencies of work from one department or section of a department to another establishment or from 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 or 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.

- (7) *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 employer's expense make satisfactory medical aid to the injured workman and shall arrange for which further treatment, if considered necessary by the doctor attending him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948, or the Workman's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.
- (8) *Medical examination*– Whenever the recruitment Rules specify medical examination of a workman on his first, appointment, the employer shall, at the employer's expense, make arrangement for the medical examination by a registered medical practitioner and in the case of a female by a registered lady medical practitioner.
- (9) *Secrecy*– No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an 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 unauthorized person, company or corporation without the written permission of the employer.
- (10) *Exclusive Service*– A workman shall not at any time work against the interest of the 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 the employer".

20. Insertion of Schedule I-A– In the Principal Rules, after Schedule I, the following new Schedule shall be inserted, namely-

Schedule I-A

Model Standing Order for Tickets.

- (a) Every workman shall be given a permanent ticket unless he is a probationer, badli, or fixed term employment workman temporary, casual worker or learner;
- (b) Every temporary 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;
- (c) Every temporary worker shall be provided with a 'temporary' ticket which he shall surrender on his discharge;
- (d) Every casual worker shall be provided with a 'casual' card on which shall be entered the days on which he has worked in the estate or establishment;
- (e) Every learner shall be provided with a 'learner' card, which shall be surrendered if he obtains permanent employment;
- (f) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the estate or establishment, and which shall be surrendered if he obtains permanent employment."

21. Amendment of Standing Order 9- In the Principal Rules, in the Standing Order 9 under Schedule II, for the words and figures 'Chapter IV of the Factories Act, 1934, the words and figures "Chapter VIII of the Factories Act, 1948" shall be substituted.

22. Insertion in Standing Order 14- In the Principal Rules, after clause (k) to Standing Order 14 under Schedule II, the following shall be inserted, namely-

"(1) Sexual harassment which includes such unwelcome sexually 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 unwelcome physical, verbal or non-verbal conduct or sexual nature."

23. Insertion of new Standing Orders 19 and 20- In the Principal Rules, after Standing Order 18, the following new standing orders shall be inserted, namely-

"19. Service Record-

- (i) Service Card-
- (ii) Certification of service;
- (iii) Confirmation;
- (iv) Age of Retirement;
- (v) Medical Aid in case of accidents;
- (vi) Medical Examination;
- (vii) Secrecy;
- (viii) Exclusive Service."

"20. (1) Service Card- Every establishment shall maintain a service card in respect of each workman in the form appended to the Standing Orders, wherein, particulars of that workman shall be recorded with the knowledge of the workman and duly attested by the Manager in this behalf with date.

(2) *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.

(3) *Residential address of workman-* A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to the Manager any change of his residential address and in the event of failure to do so his last known address shall be treated by the Manager as his residential address for sending any communication.

(4) *Record of age-* (1) Every workman shall at the time of entering service of the establishment submit the legally recognized certificates in proof of his date of birth and where the exact date of birth is not available and the year of birth is only established then the 1st July of the said year, shall be taken as the date of birth.

(5) *Age of retirement-* The age of retirement or superannuation of a workman shall be as may be agreed upon between the Manager and the workman under an agreement or as specified in a settlement or award which is binding on both the parties. Where there is no such agreed age, retirement or superannuation shall be on completion of 58 years of age by the workman.

(6) *Transfer-* A workman may be transferred according to exigencies of work from one department or section of a department to another of the establishment 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 percent thereof to meet incidental charges.

(7) *Medical Aid in case of Accidents*— Where a workman meets with an accident in the course of or arising out of his employment, the employee shall at 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 him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948, or the Workman's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.

(8) *Medical examination*— Whenever 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 and in the case of a female by a registered lady medical practitioner and in the case of a female by a registered lady medical practitioner.

(9) *Secrecy*— No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an 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 unauthorized person, company or corporation without the written permission of the employer.

(10) *Exclusive Service*— A workman shall not at any time work against the interest of the 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 the employer."

25. Insertion of Schedule IIA— In the Principal Rules, after Schedule-II, the following new Schedule IIA shall be inserted, namely—

Schedule - IIA

Model Standing Orders for Working Journalists

Standing order of :

Certified on the day of

1. Extent of application— (a) These orders shall apply to all working journalists employed in newspaper establishments.

2. Definitions— In these Standing Orders unless the context requires otherwise,—

- (a) "editor" means a person appointed as an editor and who directs and supervises the work of the editorial side for a news paper establishment;
- (b) "manager" means the person for the time being managing a newspaper establishment;
- (c) "newspaper establishment" means an establishment defined in clause (d) of Section 2 of the working journalists (Conditions of Service) and other Newspaper Employees and Miscellaneous Provisions Act, 1955.

3. Classification of working journalists— (1) The working journalists shall be classified as—

- (a) Permanent,
- (b) Probationers,
- (c) temporary,
- (d) apprentices, and
- (e) part-time.

(2)(a) A "permanent working journalists" means a working journalist who has been engaged on a permanent basis or whose appointment has been confirmed in writing by Manager or any other officer authorized in that behalf and includes any person who has completed a probationary period of three months in aggregate in the same newspaper establishment, including breaks due to sickness, accidents, leave, lock-outs, strike or involuntary closure of the establishment.

(b) A "probationer" means a working journalist who is provisionally employed to fill a permanent vacancy or a post and who has not completed three months service in the aggregate in the same

newspaper establishment or such extended period not exceeding three months as the Manager in consultation with the editor may direct to give him a chance to show improvement :

Provided that when a permanent working journalist is employed as a probationer in a new post, is at any time during the probationary period, reverted to his old permanent post by an order in writing signed by the Manager, he shall cease to be probationer in that new post.

(c) A "temporary working journalist" means working journalist who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period and who is engaged strictly on that understanding in writing.

(d) An "apprentice" means a working journalist who is a learner and who is paid an allowance during the period of his training which shall not exceed six months.

(e) A "part-time working journalist" means a working journalist who is employed to do work as a working journalist for less than the normal period of working hours, of a newspaper establishment.

4. Appointment letter, confirmation and promotion- Every working journalist at the time of his appointment, confirmation, promotion or reclassification shall be given a written order specifying his appointment, confirmation, promotion or reclassification, as the case may be, and signed by the Manager.

5. Maintenance of Attendance Register- Every newspaper establishment shall maintain a daily attendance register which shall be signed by each working journalist in the manner indicated in the Standing Orders.

6. Maintenance of leave record- Every newspapers establishment shall maintain a book which shall show the amount of leave earned, the amount of leave taken and the amount of leave due to each working journalist. The leave record may be seen by the working journalist concerned when necessary.

7. Maintenance of service register- Every newspaper establishment shall maintain a Service Register in respect of each working journalist and enter therein the nature of his appointment, his name and address, the date of the first appointment, the rate of his wages, the amount of increment earned, whether the increments have been withheld and, if so, the reasons for withholding increments, punishments, if any, awarded with reasons therefore, number of warnings if any, number of censures,

and such other matters as may be prescribed by the management.

8. Tickets- (1) Every working journalist shall be given a permanent ticket unless he is a probationer, temporary or apprentice.

(2) Every permanent working journalist 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 temporary working journalist shall be provided with a 'temporary' ticket which he shall surrender on his discharge.

(4) Every apprentice working journalist shall be provided with an 'apprentice' card which shall be surrendered if he obtains permanent employment.

(5) Every part-time working journalist shall be provided with a 'part-time' card which shall be surrendered on his discharge.

9. Publication of periods and hours of work- (1) Notices in English and the regional languages of the local area wherein the newspaper establishment is situated showing the periods and hours of work and the place of work for every class and group of working journalist in the newspaper establishment and for each shift shall be displayed on the notice boards maintained for the purpose in the departments concerned, in the time-keeper's office and at or near the main entrance to the newspaper establishment.

(2) Any working journalist required to work on an outdoor job or at a different place of work shall be notified to that effect in advance.

10. Publication of holidays, weekly day of rest and pay days- Notice specifying- (1) the days observed by the newspaper establishment as holidays including the weekly day of rest, and (2) days, on which wages are to be paid, Shall be posted on the notice boards specified in Standing Order 9.

11. Notice on shift working hours- (1) More than one shift may be worked in a department or in any section of a department of a newspaper establishment at the discretion of the Manager.

(2) If more than one shift is worked, the working journalists shall be liable to be transferred from one shift to another.

(3) Whenever an additional shift is started or shifts are altered or discontinued, fifteen days' notice shall be given but if as a result of the discontinuance of any shift any permanent working journalist is likely to be discharged, a proper notice as prescribed by or under any law for the time being in force and applicable to the newspaper establishment shall be given, provided, however,

that no such notice shall be less than two months.

(4) Before re-starting a shift, a seven days' notice thereof shall be given in a newspaper having wide local circulation and any working journalist discharged as a result of discontinuance of the shift shall, if he presents himself within seven days of the re-starting of the shift, be given preference for employment.

12. Attendance and late coming- (1) All working journalists shall be at work at the place and time published under Standing Order at 9.

(2) All working journalists shall sign every day the attendance register and shall enter therein the time of their arrival at, and departure from the newspaper establishment. If any working journalist comes late by over ten minutes on three consecutive days in a week, the employer may deduct one day's casual leave from the working journalist's casual leave account :

Provided that any working journalist may, with the permission of the Head of Department or the Editor or any other authority appointed for this purpose, absent himself from his proper place of duty during his working hours. No late attendance shall be permitted after recess or rest interval.

(3) Any working journalist who is found absent from his proper place of duty during his working hours without permission of the Manager or any other authority appointed for this purpose or without sufficient reason, shall be liable to be treated as absent without leave for the period of such absence and the deductions shall be made from wages in accordance with the principles laid down under the Payment of Wages Act, 1936.

13. Payment of wages- (1) All working journalists shall be paid wages on a working day before the expiry of the seven days after the last day of the wages period (which shall not exceed one month) in respect of which the wages are payable.

(2) Any wages due to a working journalist but not paid on the usual day on account of their being unclaimed shall be paid by the employer one or more unclaimed wages on pay day or days in the following week which shall be notified on the notice boards as far as possible.

14. Stoppage of work- The Manager may, at any time in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemic, civil commotion or any cause beyond his control, close down any department or departments of the

newspaper establishment wholly or partially or the whole or part of the newspaper establishment for any period or period in accordance with the law for the time being in force. Wherever practicable, reasonable notice shall be given of the resumption of the normal work by the department, section or newspaper establishment concerned.

15. Closure and re-opening of the newspaper establishment-

(1) The Manager may close down any department or section of a department after giving one month's notice to the working journalist concerned, provided, however, that the provision of any other law for the time being in force and applicable to the working journalists, lying down a different period for such notice shall prevail wherever applicable in individual cases of working journalists. Before re-opening such a department or a section of a department. As the case may be, seven days' notice thereof shall be given in a newspaper having wide local circulation and any working journalist discharged as a result of the closure of such department or section of a department shall, if he presents himself within seven days' of the restarting of the department or section of the department, as the case may be, given preference for employment.

(2) The Manager may close down the whole newspaper establishment after giving three months' notice to the permanent working journalists concerned provided, however, that the provisions of any other law for the time being in force and applicable to working journalists lying down a different period or such notice shall prevail wherever applicable in individual cases of working journalists. A seven days' public notice of the restarting of the newspaper establishment shall be given in a newspaper having wide local circulation and any working journalist discharged as a result of the closure of the newspaper establishment shall, if he presents himself within seven days of the restarting of the newspaper establishment, be given preference for employment.

(3) Notices of- (i) Starting, restarting, alteration and discontinuance of shift working;

(ii) closure and re-opening of a department or a section of a department;

(iii) closure and re-opening of the newspaper establishment shall be displayed in notice boards maintained for the purpose in the department and the section concerned in the time-keeper's office and at or near the main entrance of the newspaper establishment.

(4) In the event of the closure or discontinuance of the newspaper establishment or a department or a section of a department if the services of a permanent working journalist are dispensed with, he shall, on re-starting of the newspaper establishment or a department or a section of a department, as the case may be given an opportunity to serve in a post substantially similar in pay and status to the post he was holding at the time of the closure or discontinuance provided he reports for duty within the time specified in the relevant Standing Order governing the re-starting in question.

16. Termination of services- (1) Subject to the provisions of the Working Journalists (conditions of Service) and other Newspaper Employees and Miscellaneous Provisions Act, 1955 or any other law for the time being in force and applicable to the working journalists, the service of a working journalist may be terminated by six months' notice in the case of an editor and three months in the case of any other journalist.

(2) A permanent working journalist desirous of leaving the services may do so giving to the Manager six months' notice in writing in the case of an editor and three months' notice in the case of any other working journalist.

(3) Where the employment of any working journalist is terminated, the wages earned by him shall be paid before the expiry of the record working day from the date on which his service is terminated and other dues, if any, shall be paid to him or if he is dead, to his heirs as far as possible within one month, and in any case not later than three months from the date on which his service is terminated.

(4) Where a working journalist leaves the services, the wages earned by him shall be paid within seven days from the date on which he leaves the services and other dues, if any, shall be paid to him or if he is dead, to his heirs as far as possible within one month, and in any other case, not later than three months from the date on which he leaves the services.

(5) All classes of working journalists other than those appointed on a permanent basis may leave their services without notice but the services of a working journalist shall not be terminated, as a punishment unless the procedure laid down under Standing Order 21 is followed.

(6) An order relating to termination of services of a working journalist shall be in writing and shall be signed by the Manager

or an official of the newspaper establishment authorized by him for the purpose. The reason for the termination of the services shall be given in the order, a copy of which shall be supplied to the working journalist concerned.

17. Certification of service- Every working journalist 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, resignation or leaving services.

18. The following acts and omissions on the part of a working journalist 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) going on a strike or abetting, inciting, instigating or acting in furtherance of a strike in contravention of the provisions of any law, or rule having the force of law;
- (c) theft, fraud or dishonesty in connection with the employers' business or property ;
- (d) wilful damage to or loss of employers' goods or property;
- (e) taking or giving bribes or any illegal gratification;
- (f) habitual absence without leave or absence without leave for more than ten consecutive days or overstaying sanctioned leave without sufficient ground or proper or satisfactory explanation;
- (g) habitual late attendance;
- (h) habitual breach of any law applicable to the establishment;
- (i) habitual breach of any Standing order or any law applicable to the newspaper establishment or any rules made under such law;
- (j) riotous or disorderly behaviour during working hours on the premises of the newspaper establishment;
- (k) habitual negligence or gross neglect or work;
- (l) 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;
- (m) refusal to accept a charge-sheet, order or other communication served in accordance with these Standing Orders;
- (n) sexual harassment which includes such unwelcome sexual

determined behaviour (whether directly or by implication) as-

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

19. Suspension- (1) Where a disciplinary proceeding against a working journalist is contemplated or in pending or where criminal proceeding against his in respect of any offence are under investigation or trial and the Manager is satisfied that it is necessary or desirable to place the working journalist 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 working journalist within a week from the date of suspension.

(2) A working journalist who is placed under suspension shall be paid subsistence allowance in accordance with the provisions of Section 10A of the Act.

20. Penalties- (1) The following penalties may be imposed by the Manager or any authority to be nominated by him on a working journalist found guilty of any of the misconduct-

- (a) warning;
- (b) censure;
- (c) withholding of increments;
- (d) withholding of promotions;
- (e) termination of employment by way of discharge; and
- (f) termination of employment by way of dismissal :

Provided that no such penalty shall be imposed or any working journalist other than the editor except after consultation with the editor.

(2) No penalty as mentioned above shall be imposed unless a working journalist is informed in writing of the reasons for awarding a penalty and during enquiry a reasonable opportunity given as entitled to defend himself personally or through a co-working journalist or co-working of his choice of through an official of a trade union of working journalists of which he is a member, including the right to be heard in person and to examine the witnesses.

(3) The proceedings of the enquiry shall be completed within a period of three months unless, for the reasons to be recorded in writing, the Enquiry Officer deem it necessary to extend for such a further period.

(4) On enquiry the charge against the working journalist are not proved to be correct, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the wages which he could have received if he had not been suspended.

(5) In awarding penalty under this Standing Order, the authority inflicting the punishment shall take into account the gravity of misconduct, the previous record of the working journalist and any other extenuating or aggravating circumstances, that may exist, a copy of the order passed by the Manager imposing the punishment shall be supplied to the working journalist concerned.

21. Appeals- (1) A working journalist by an order imposing punishment, may within for thirty days from the date of receipt of the order, appeal to the Appellate Authority.

(2) The Manager shall, for the purpose of clause (1), specify, the Appellate Authority.

(3) The Appellate Authority, after giving a reasonable opportunity to the working journalist of being heard, shall pass such order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same in writing to the working journalist.

22. Complaints- Any working journalist desirous of redressing any grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall, either himself or through as trade union of the working journalists of which he is a member, submit a complaint to the Manager or any officer appointed in this behalf. An appeal against the order of the Manager shall lie to the employer except where the Manager is the employer.

23. Service Records- (1) *Service Card-* Every newspaper establishment shall maintain a service card in respect of each working journalists in the form appended to there Standing Orders, wherein particulars of that working journalist shall be recorded with the knowledge of the working journalist and duly attested by the Manager in this behalf with date.

(2) *Certification of Service-* (a) Every working Journalist 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.

(3) *Residential address of working journalist*— A working journalist shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to the Manager any change of his residential address and in the event of failure to do so his last known address shall be treated by the Manager as his residential address for sending any communication.

(4) *Record of age*— (1) Every working journalist shall at the time of entering service of the newspaper establishment submit the legally recognized certificates in proof of his date of birth and where the exact date of birth is not available and the year of birth is only established then the 1st July of the said year shall be taken as the date of birth.

(5) *Age of retirement*— The age of retirement or superannuation of a working journalist shall be as may be agreed upon between the Manager and the working journalist under an agreement or as specified in a settlement or award which is binding on both the parties. Where there is no such agreed age, retirement or superannuation shall be on completion of 58 years age by the working journalist.

(6) *Transfer*— A working journalist may be transferred according to exigencies of work from one department or section of a department to another of the newspaper establishment or from one station to another or from one newspaper establishment to another under the same employer :

Provided that the wages, grade, continuity of service and other conditions of service of the working journalist are not adversely affected by such transfer :

Provided further that a working journalist 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 working journalist or where there is a specific provision to that effect in the latter of appointment, and provided also that (i) reasonable notice is given to such working journalist, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The working journalist concerned shall be paid travelling allowance including the transport charges, and

fifty percent thereof to meet incidental charges.

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

25. Medical examination— Whenever the recruitment rules specify medical examination of a working journalist on his first appointment, the employer shall, at the employer's expense, make arrangement for the medical examination by a registered medical practitioner and in the case of a female by a registered lady medical practitioner.

26. Secrecy— No working journalist shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of a newspaper 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 newspaper establishment to any unauthorized person, company or corporation without the written permission of the employer.

27. Exclusive Service— A working journalist shall not at any time work against the interest of the newspaper establishment in which he is employed and shall not take any employment in addition to his job in the newspaper establishment, which may adversely affect the interest of the employer.

28. Supply of copy of the certified Standing Orders free of cost— A copy of the certified Standing Orders applicable to the working journalist and relating to the newspaper establishment in which he is employed, as soon as after the date they come into operation shall be supplied to the working journalist free of cost but not later than three months from such date.

29. Liability of Manager— The Manager of the newspaper establishment shall be responsible for the proper and faithful

observance of the certified Standing Orders. Provided that where any decision of the Manager is overruled by his superior, the latter shall be held responsible for such a decision.

30. Exhibition of Certified Standing Orders- A copy of the Certified Standing Orders of the newspaper establishment shall be available with the Manager or the person authorized by him in this behalf."

31. Amendment of Form A to Schedule-III- In the Principal Rules, in Schedule-III in Form 'A' for column II the following shall be substituted, namely-

Service Record-

- (i) Confirmation.
- 13. Age of retirement.
- 14. Transfer.
- 15. Medical Aid in case of accidents.
- 16. Medical Examination.
- 17. Secrecy.
- 18. Exclusive service.
- 19. Any other matter which may be prescribed.

32. Amendment 32 of FORM C- In the principal Rules,- the figure, '14', occurring between "in rules" and "of the Assam", at the first line of the long title below FORM C, shall be substituted by "4(a)".

33. Amendment of FORM D- In the Principal Rules,-

- (a) the figures and **brackets** '17(i)' occurring between the word, 'rule' and 'of the' at the first line of the title below FROM D shall be substituted by "7(i)";
- (b) the word 'SHILLONG', occurring below the words, 'OFFICE OF THE CERTIFYING OFFICER, ASSAM' shall be substituted by the words, "GOPINATH NAGAR, GUWAHATI-16." and 7/28/2010.

34. Amendment of FORM F- In the principal Rules, in Schedule III the word "Shillong" occupying between the words to the 'The Assam,' in FORM F shall be substituted by the word and figure, "GUWAHATI-16."