

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

ACT NO. 20 OF 1946¹

[23rd April, 1946.]

An Act to require employers in industrial establishments formally to define conditions of employment under them.

WHEREAS it is expedient to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them;

It is hereby enacted as follows: —

1. Short title, extent and application.—(1) This Act may be called the Industrial Employment (Standing Orders) Act, 1946.

(2) It extends to ²[the whole of India ³* * *].

⁴[(3) It applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months:

Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any industrial establishment employing such number of persons less than one hundred as may be specified in the notification.

⁵* * * * *

⁶[(4) Nothing in this Act shall apply to —

(i) any industry to which the provisions of Chapter VII of the Bombay Industrial Relations Act, 1946 (Bombay Act 11 of 1947) apply; or

(ii) any industrial establishment to which the provisions of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (Madhya Pradesh Act 26 of 1961) apply:

Provided that notwithstanding anything contained in the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (Madhya Pradesh Act 26 of 1961), the provisions of this Act shall apply to all industrial establishments under the control of the Central Government.]

1. This Act has been extended to—

(i) Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and the Sch.

(ii) Pondicherry by Regulation 7 of 1963, s. 3 and the Sch. I (w.e.f. 1-10-1963), and

(iii) the whole of the Union territory of Lakshadweep, *vide* Reg. 8 of 1965, s. 3 and the Sch.

The Act has been amended in its application to—

(i) Maharashtra by Maharashtra Act 54 of 1974.

(ii) Mysore by Mysore Act 37 of 1975.

(iii) Madras by Madras Act 24 of 1960, and

(iv) Andhra Pradesh by A. P. Act 9 of 1969.

2. Subs. by the A.O. 1950, for “all the Provinces of India”.

3. The words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, s. 2 (w.e.f. 1-9-1971).

4. Subs. by Act 16 of 1961, s. 2, for sub-section (3).

5. Second proviso omitted by Act 39 of 1963, s. 2 (w.e.f. 23-12-1963).

6. Ins. by s. 2, *ibid.* (w.e.f. 23-12-1963).

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

¹[(a) “appellate authority” means an authority appointed by the appropriate Government by notification in the Official Gazette to exercise in such area as may be specified in the notification the functions of an appellate authority under this Act;

Provided that in relation to an appeal pending before an Industrial Court or other authority immediately before the commencement of the Industrial Employment (Standing Orders) Amendment Act, 1963 (39 of 1963), that court or authority shall be deemed to be the appellate authority;]

(b) “appropriate Government” means in respect of industrial establishments under the control of the Central Government or a ²[Railway administration] or in a major port, mine or oil-field, the Central Government, and in all other cases, the State Government:

³[Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties;]

⁴[(c) “Certifying Officer” means a Labour Commissioner or a Regional Labour Commissioner, and includes any other officer appointed by the appropriate Government, by notification in the Official Gazette, to perform all or any of the functions of a Certifying Officer under this Act;]

(d) “employer” means the owner of an industrial establishment to which this Act for the time being applies, and includes —

(i) in a factory, any person named under ⁵[clause (f) of sub-section (1) of section 7, of the Factories Act, 1948 (63 of 1948)], as manager of the factory;

(ii) in any industrial establishment under the control of any department of any Government in India, the authority appointed by such Government in this behalf, or where no authority is so appointed, the head of the department;

(iii) in any other industrial establishment, any person responsible to the owner for the supervision and control of the industrial establishment;

(e) “industrial establishment” means—

(i) an industrial establishment as defined in clause (ii) of section 2 of the Payment of Wages Act, 1936 (4 of 1936), or

⁶[(ii) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948), or]

(iii) a railway as defined in clause (4) of section 2 of the Indian Railways Act, 1890 (9 of 1890), or

(iv) the establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial establishment, employs workmen;

(f) “prescribed” means prescribed by rules made by the appropriate Government under this Act;

(g) “standing orders” means rules relating to matters set out in the Schedule;

1. Subs. by Act 39 of 1963, s. 3, for cl. (a) (w.e.f. 23-12-1963).

2. Subs. by the A.O. 1950, for “Federal railway”.

3. Added by Act 18 of 1982, s. 2 (w.e.f. 17-5-1982).

4. Subs. by Act 16 of 1961, s. 3, for cl. (c).

5. Subs. by s. 3, *ibid.*, “for clause (e) of sub-clause (1) of section 9 of Factories Act, 1934 (25 of 1934)”.

6. Subs. by s. 3, *ibid.*, for sub-clause (ii)

(h) “trade union” means a trade union for the time being registered under the Indian Trade Unions Act, 1926 (16 of 1926);

¹[(i) “wages” and “workman” have the meanings respectively assigned to them in clauses (rr) and (s) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).]

3. Submission of draft standing orders.—(1) Within six months from the date on which this Act becomes applicable to an industrial establishment, the employer shall submit to the Certifying Officer five copies of the draft standing orders proposed by him for adoption in his industrial establishment.

(2) Provision shall be made in such draft for every matter set out in the Schedule which may be applicable to the industrial establishment, and where model standing orders have been prescribed, shall be, so far as is practicable, in conformity with such model.

(3) The draft standing orders submitted under this section shall be accompanied by a statement giving prescribed particulars of the workmen employed in the industrial establishment including the name of the trade union, if any, to which they belong.

(4) Subject to such conditions as may be prescribed, a group of employers in similar industrial establishments may submit a joint draft of standing orders under this section.

4. Conditions for certification of standing orders.—Standing orders shall be certifiable under this Act if—

(a) provision is made therein for every matter set out in the Schedule which is applicable to the industrial establishment, and

(b) the standing orders are otherwise in conformity with the provisions of this Act;

and it ²[shall be the function] of the Certifying Officer or appellate authority to adjudicate upon the fairness or reasonableness of the provisions of any standing orders.

5. Certification of standing orders.—(1) On receipt of the draft under section 3, the Certifying Officer shall forward a copy thereof to the trade union, if any, of the workmen, or where there is no such trade union, to the workmen in such manner as may be prescribed, together with a notice in the prescribed form requiring objections, if any, which the workmen may desire to make to the draft standing orders to be submitted to him within fifteen days from the receipt of the notice.

(2) After giving the employer and the trade union or such other representatives of the workmen as may be prescribed an opportunity of being heard, the Certifying Officer shall decide whether or not any modification of or addition to the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act, and shall make an order in writing accordingly.

(3) The Certifying Officer shall thereupon certify the draft standing orders, after making any modifications therein which his order under sub-section (2) may require, and shall within seven days thereafter send copies of the certified standing orders authenticated in the prescribed manner and of his order under sub-section (2) to the employer and to the trade union or other prescribed representatives of the workmen.

6. Appeals.—(1) ³[Any employer, workmen, trade union or other prescribed representatives of the workmen] aggrieved by the order of the Certifying Officer under sub-section (2) of section 5 may, within ⁴[thirty days] from the date on which copies are sent under sub-section (3) of that section, appeal to the appellate authority, and the appellate authority, whose decision shall be final, shall by order in writing confirm the standing orders either in the form certified by the Certifying Officer or after amending the said standing orders by making such modifications thereof or additions thereto as it thinks necessary to render the standing orders certifiable under this Act.

1. Subs. by Act 18 of 1982, s. 2 for cl. (i) (w.e.f. 17-5-1982).

2. Subs. by Act 36 of 1956, s. 32 for “shall not be the function” (w.e.f. 17-9-1956).

3. Subs. by Act 18 of 1982, s. 3, for “Any person” (w.e.f. 17-5-1982).

4. Subs. by Act 16 of 1961, s. 4, for “twenty-one days”.

(2) The appellate authority shall, within seven days of its order under sub-section (1), send copies thereof to the Certifying Officer, to the employer and to the trade union or other prescribed representatives of the workmen, accompanied, unless it has confirmed without amendment the standing orders as certified by the Certifying Officer, by copies of the standing orders as certified by it and authenticated in the prescribed manner.

7. Date of operation of standing orders.—Standing orders shall, unless an appeal is preferred under section 6, come into operation on the expiry of thirty days from the date on which authenticated copies thereof are sent under sub-section (3) of section 5, or where an appeal as aforesaid is preferred, on the expiry of seven days from the date on which copies of the order of the appellate authority are sent under sub-section (2) of section 6.

8. Register of standing orders.—A copy of all standing orders as finally certified under this Act shall be filed by the Certifying Officer in a register in the prescribed form maintained for the purpose, and the Certifying Officer shall furnish a copy thereof to any person applying therefore on payment of the prescribed fee.

9. Posting of standing orders.—The text of the standing orders as finally certified under this Act shall be prominently posted by the employer in English and in the language understood by the majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial establishment and in all departments thereof where the workmen are employed.

10. Duration and modification of standing orders.—(1) Standing orders finally certified under this Act shall not, except on agreement between the employer and the workmen ¹[or a trade union or other representative body of the workmen], be liable to modification until the expiry of six months from the date on which the standing orders or the last modifications thereof came into operation.

²[(2) Subject to the provisions of sub-section (1), an employer or workman ¹[or a trade union or other representative body of the workmen] may apply to the Certifying Officer to have the standing orders modified, and such application shall be accompanied by five copies of ^{3***} the modifications proposed to be made, and where such modifications are proposed to be made by agreement between the employer and the workmen ¹[or a trade union or other representative body of the workmen], a certified copy of that agreement shall be filed along with the application.]

(3) The foregoing provisions of this Act shall apply in respect of an application under sub-section (2) as they apply to the certification of the first standing orders.

⁴[(4) Nothing contained in sub-section (2) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra.]

⁵[**10A. Payment of subsistence allowance.**—(1) Where any workman is suspended by the employer pending investigation or inquiry 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.

1. Ins. by Act 18 of 1982, s. 4 (w.e.f. 17-5-1982).

2. Subs. by Act 36 of 1956, s. 32, for sub-section (2) (w.e.f. 17-9-1956).

3. Certain words omitted by Act 39 of 1963, s. 4 (w.e.f. 23-12-1963).

4. Ins. by s. 4, *ibid.* (w.e.f. 23-12-1963).

5. Ins. by Act 18 of 1982, s. 5 (w.e.f. 17-5-1982).

(2) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (1) the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947 (14 of 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.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State are more beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State.]

11. Certifying Officers and appellate authorities to have powers of civil court.—¹[(1)] Every Certifying Officer and appellate authority shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a civil court within the meaning of ²[sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).]

³[(2) Clerical or arithmetical mistakes in any order passed by a Certifying Officer or appellate authority, or errors arising therein from any accidental slip or omission may, at any time, be corrected by that Officer or authority or the successor in office of such Officer or authority, as the case may be.]

12. Oral evidence in contradiction of standing orders not admissible.—No oral evidence having the effect of adding to or otherwise varying or contradicting standing orders as finally certified under this Act shall be admitted in any Court.

⁴[**12A. Temporary application of model standing orders.**—(1) Notwithstanding anything contained in sections 3 to 12, for the period commencing on the date on which this Act becomes applicable to an industrial establishment and ending with the date on which the standing orders as finally certified under this Act come into operation under section 7 in that establishment, the prescribed model standing orders shall be deemed to be adopted in that establishment, and the provisions of section 9, sub-section (2) of section 13 and section 13A shall apply to such model standing orders as they apply to the standing orders so certified.

(2) Nothing contained in sub-section (1) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra.]

13. Penalties and procedure.—(1) An employer who fails to submit draft standing orders as required by section 3, or who modifies his standing orders otherwise than in accordance with section 10, shall be punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) An employer who does any act in contravention of the standing orders finally certified under this Act or his industrial establishment shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(3) No prosecution for an offence punishable under this section shall be instituted except with the previous sanction of the appropriate Government.

(4) No Court inferior to that of ⁵[a Metropolitan Magistrate or Judicial Magistrate of the second class] shall try any offence under this section.

1. S. 11 renumbered as sub-section (1) thereof by Act 39 of 1963, s. 5 (w.e.f. 23-12-1963).

2. Subs. by Act 18 of 1982, s. 6, for “sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 17-5-1982).

3. Ins. by Act 39 of 1963, s. 5 (w.e.f. 23-12-1963).

4. Ins. by s. 6, *ibid.* (w.e.f. 23-12-1963).

5. Subs. by Act 18 of 1982, s. 7, for “a Metropolitan Magistrate or Judicial Magistrate of the second class” (w.e.f. 17-5-1982).

¹[**13A. Interpretation, etc., of standing orders.**—If any question arises as to the application or interpretation of a standing order certified under this Act, any employer or workman ²[or a trade union or other representative body of the workmen] may refer the question to any one of the Labour Courts constituted under the Industrial Disputes Act, 1947 (14 of 1947), and specified for the disposal of such proceeding by the appropriate Government by notification in the Official Gazette, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties.

13B. Act not to apply to certain industrial establishments.—Nothing in this Act shall apply to an industrial establishment in so far as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Services) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.]

14. Power to exempt.—The appropriate Government may by notification in the Official Gazette exempt, conditionally or unconditionally, any industrial establishment or class of industrial establishments from all or any of the provisions of this Act.

³[**14A. Delegation of powers.**—The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also—

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification;

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.]

15. Power to make rules.—(1) The appropriate Government may, after previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe additional matters to be included in the Schedule, and the procedure to be followed in modifying standing orders certified under this Act in accordance with any such addition;

(b) set out model standing orders for the purposes of this Act;

(c) prescribe the procedure of Certifying Officers and appellate authorities;

(d) prescribe the fee which may be charged for copies of standing orders entered in the register of standing orders;

(e) provide for any other matter which is to be or may be prescribed:

Provided that before any rules are made under clause (a) representatives of both employers and workmen shall be consulted by the appropriate Government.

1. Ins. by Act 36 of 1956, s. 32 (w.e.f. 10-3-1957).

2. Ins. by Act 18 of 1982, s. 8 (w.e.f. 17-5-1982).

3. Subs. by Act 39 of 1963, s. 7, for s. 14A (w.e.f. 23-12-1963).

¹[(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or ²[in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Ins. by Act 16 of 1961, s. 6.

2. Subs. by Act 18 of 1982, s. 9, for certain words (w.e.f. 17-5-1982).

THE SCHEDULE

[See sections 2(g) and 3(2)]

MATTERS TO BE PROVIDED IN STANDING ORDER UNDER THIS ACT

1. Classification of workmen, *e.g.*, whether permanent, temporary, apprentices, 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 the industrial establishment, and 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.

**THE MADHYA PRADESH INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) ACT, 1961**

[No. 26 of 1961]

[Received the assent of the President on the 8th July, 1961; assent first published in the Madhya Pradesh Gazette, on the 28th July, 1961]

As amended subsequently by the following—

1. M.P. Act 51 of 1962;
2. M.P. Act 34 of 1965;
3. M.P. Act 18 of 1967; and
4. M.P. Act 25 of 1985.

**An Act to provide for rules defining with sufficient precision
in certain matters the conditions of employment of
employees in undertakings in the
State of Madhya Pradesh.**

Be it enacted by the Madhya Pradesh Legislature in the Twelfth Year of the Republic of India as follows—

Statement of Objects and Reasons.— The Madhya Pradesh Industrial Relations Act, 1960, the Indian Trade Unions (Madhya Pradesh Amendment) Act, 1960, and the Madhya Pradesh Industrial Workmen (Standing Orders) Act, 1959, together form an integrated scheme of laws and orders on industrial relations. As the first two Acts were enacted a year after the enactment of the third, it has become imperative to bring the third Act, the Madhya Pradesh Industrial Workmen (Standing Order) Act, in conformity with the first two Acts by re-enacting it. The Bill is designed to serve this purpose.

1. Short title, extent and commencement.— (1) This Act may be called the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Application of the Act.— (1) This Act shall apply to—

- (a) every undertaking wherein the number of employees on any day during the twelve months preceding or on the day this Act comes into force or on any day thereafter was or is more than twenty; and
- (b) such other class or classes of undertaking as the State Government may, from time to time, by notification, specify in this behalf.

¹[Provided that it shall not apply to an undertaking carried on by or under the authority of the Central Government or railway administration or a mine or an oilfield.]

(2) Nothing in this Act shall apply to the employees in an undertaking to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised

1. Added by M.P. 5 of 1962.

Leave Rules, Civil Services Regulations or any other rules or regulations that may be notified in this behalf by the State Government in the Official Gazette apply.

RELEVANT NOTES

Indore Development Authority Vs. Indore Development Authority Daily Wages Sub-Engineers Union, 2000 (2) JLJ 190. *Chhaya Bhopatkar Vs. State of Madhya Pradesh*, 2001 (4) MPHT 238. *Mahender L. Jain Vs. Indore Development Authority*, 2005 (3) JLJ 233.

3. Definitions.—In this Act, unless the context otherwise requires,—

- (a) “Certifying Officer” means the Commissioner of Labour or such other officer not below the rank of an Assistant Commissioner of Labour as may be appointed by Government, by notification, to exercise the powers and perform the functions of a Certifying Officer under this Act;
- (b) “standard standing orders” means rules framed under section 21 relating to matters set out in the Schedule;
- (c) “standing orders” in respect of any industrial establishment means the standing orders applicable to such establishment immediately before the coming into force of this Act and includes standard standing orders together with all amendments thereto, if any certified under section 8;
- (d) the words and expressions used in the Act but not defined herein shall have the meaning assigned to them in Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960).

4. Central Act XX of 1946 not to apply.—Nothing in Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), shall apply to any undertaking to which this Act applies:

Provided that any proceeding under the said Act pending on the date of the commencement of this Act may be continued and completed in accordance with the provisions of the said Act as if this Act had not been passed.

5. Power to exempt.—Where the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification and subject to such conditions, if any, as it may specify in the notification,—

- (a) exempt any undertaking or class of undertakings from the operation of all or any of the provisions of this Act; and
- (b) as often as may be, cancel any such notification and again subject, by a like notification, the undertaking or class of undertakings to the operation of such provisions.

6. Application of standard standing orders to under-takings.—The State Government may, by notification, apply standard standing orders to such class of undertakings and from such date as may be specified therein.

(2) Where immediately before the commencement of this Act standing orders are in force in respect of any undertaking, such standing orders shall, until standard standing orders are applied to such undertaking under sub-section (1) continue in force as if they were made under this Act.

(3) The standard standing orders made or amendments certified under this Act shall provide for every matter set out in the Schedule.

7. Submission of amendment.— (1) The employer or any representative of employees may submit to the Certifying Officer in the prescribed manner draft amendment to the standing orders applicable to an undertaking under section 6:

Provided that no such amendment shall, except on an agreement between the parties, be entertained—

(a) in respect of standard standing orders within one year of the date on which—

(i) such orders were made applicable under section 6; or

(ii) an amendment is certified under sub-section (3) of section 8; or

(b) in respect of standing orders within one year of the date on which the last amendment to such orders were certified.

(2) The draft amendments submitted under this section shall be accompanied by a statement giving prescribed particulars of the employees in the undertaking.

(3) Subject to such conditions as may be prescribed, a group of employers or representatives of employees in the same industry may submit a joint draft of amendments under this section.

8. Certification of amendments.— (1) On receipt of the draft under section 7, the Certifying Officer shall forward a copy thereof to the representative of the employees or the employer, as the case may be, requiring objections, if any, to be submitted to him in the prescribed manner within fifteen days of the date of receipt of the copy.

(2) After giving both the parties an opportunity of being heard, the Certifying Officer shall decide whether or not the draft amendments or any modifications thereof or additions thereto are necessary and shall make an order in writing accordingly:

Provided that no order to the effect that the draft amendments or any modifications or additions thereto is necessary shall be made unless the Certifying Officer is satisfied that such amendments or modifications or additions are fair or reasonable.

(3) If, under the preceding sub-section, the Certifying Officer decides that the draft amendments be certified, with or without any modifications or additions, he shall certify the amendment with such modifications or additions, if any, and shall within seven days thereafter send certified copies of such amendments to the employer and to the representative of the employees.

9. Appeals.— ¹[Any employer, employee or representative of employees] aggrieved by the order of the Certifying Officer under sub-section (2) of section 8, may, within thirty days of the date of passing the said order, file an appeal before the Industrial Court which may confirm, vary or rescind the order:

Provided that in computing the period of thirty days, the time requisite for obtaining a copy of the order appealed against shall be excluded:

Provided further that the Industrial Court may, for sufficient reasons admit any appeal made after the expiry of such period.

1. Subs. by M.P. 25 of 1985 for "any person".

(2) The Industrial Court shall cause a copy of its order under sub-section (1) to be transmitted to the Certifying Officer who shall proceed to take necessary action under sub-section (3) of section 8 as if the order was passed by him.

(3) The order of the Industrial Court shall be final and binding on the parties.

10. Date of operation of amendments.— Amendments of standing orders shall come into operation on the expiry of thirty days from the date on which certified copies thereof are sent under sub-section (3) of section 8 or where an appeal is preferred, on the expiry of seven days from the date on which they are sent by the Certifying Officer under the said sub-section read with sub-section (2) of section 9.

11. Posting of standing orders.— The text of the standing orders shall be prominently posted by the employer in English and Hindi on special boards to be maintained for the purpose at or near the entrance through which the majority of the employees enter the undertaking and in all departments thereof where the employees are employed.

12. Register of standing orders.— A copy of all standing orders shall be filed by the Certifying Officer in a register maintained for the purpose, and he shall furnish a copy thereof to any person applying therefor on payment of the prescribed fee.

13. Disputes regarding application and interpretation of standing orders.— If any question arises as to the application or interpretation of a standing order, an employer, an employee or a representative of employees may refer the question to the Labour Court having jurisdiction and the Court shall, after giving the parties an opportunity of being heard, decide the question and his decision shall be final and binding on the parties.

14. Recovery of money due from an employer.— Any sum required to be paid under this Act by an employer to an employee but not paid by him shall be recovered as delayed wages under the provisions of the Payment of Wages Act, 1936 (IV of 1936).

15. Appointment of Inspectors and their powers and duties.— (1) The State Government may, by notification, appoint such officers of the Labour Department not below the rank of a Deputy Labour Officer, as it may think fit, to be Inspectors for the purposes of this Act. Such notification shall define the class of undertakings in respect of which and the areas within which they shall exercise their respective jurisdictions.

(2) It shall be the duty of every such Inspector to ensure within the area of his jurisdiction the proper implementation of the provisions of this Act and the rules made thereunder.

(3) An Inspector may, within the area of his jurisdiction make such inquiries and collect such information from the employers and employees as he may consider necessary for the purposes of this Act.

16. Certain officers to be public servants.— An Inspector or a Certifying Officer, appointed under this Act, shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

17. Penalties and procedure.— (1) If, in any undertaking to which the Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960), does not apply, any employer modifies his standing orders otherwise than in accordance with the provisions of this Act, he shall be punished with fine which may extend to five thousand rupees and in case of a continuing offence with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) Any employer who does any act in contravention of standing orders shall be punished with fine which may extend to one hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(3) Whoever contravenes the provisions of this Act or of any rule made thereunder, in cases other than those falling under sub-section (2), shall be punished—

- (a) with fine which may extend to one hundred rupees and in the event of such person being previously convicted of an offence under this Act, with fine which may extend to two hundred rupees; and
- (b) in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(4) The Court convicting an employer under sub-section (1) or sub-section (2) or sub-section (3) may direct such employer to pay such compensation as it may determine to any employer directly and adversely affected by such modification or contravention, as the case may be.

¹[(3) An offence punishable under this section shall, on a complaint made by the representative of the employees or the Inspector appointed under this Act, be triable by a Labour Court within the local limits of whose jurisdiction it was committed.]

(6) In trying offences under this section, the Labour Court shall exercise the same powers and follow the same procedure as in respect of offences under the Madhya Pradesh Industrial Relations Act, 1960 (27 of 1960).

²[17-A. Summary disposal of cases.— (1) A Labour Court taking cognizance of an offence under sub-section (2) or (3) of Section 17 shall state upon the summons to be served on the accused person that he—

- (a) may appear by pleader and not in person; or
- (b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter acknowledgment due and remit to the Labour Court such sum as the Court may, subject to the maximum limit of fine prescribed for the said offence, specify.

(2) Where an accused person pleads guilty and remits the sum in accordance with the provisions of sub-section (1), no further proceedings in respect of the offence shall be taken against him.

(3) Nothing contained in this section shall apply to —

1. Subs. by M.P. 34 of 1965.

2. Ins. by MP 18 of 1967.

- (a) continuing offence under sub-section (2) and clause (b) of sub-section (3) of Section 17;
- (b) the previously convicted person under clause (a) of sub-section (3) of section 17.]

18. Certifying Officer, Labour Court and Industrial Court to have powers of Civil Courts.— In any proceeding under this Act except in respect of an offence, Certifying Officer, the Labour Courts and the Industrial Courts shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witness and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections ¹[345 and 346 of the Code of Criminal Procedure, 1973 (No. 2 of 1974)].

19. Oral evidence in contradiction of standing orders, etc., not admissible.— No oral evidence having the effect of adding to or otherwise varying or contradicting standing orders shall be admitted in any Court.

20. Procedure before Certifying Officer, Labour Court or Industrial Court.— Subject to the provisions of sub-section (6) of section 17, section 18 and to the rules framed under this Act, the Certifying Officer, the Labour Court or the Industrial Court shall in proceedings before him/it, follow such procedure as he/it may think fit.

21. Powers to make rules.— (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing powers, such rules may—

- (a) provide for additional matters to be included in the Schedule;
- (b) frame standard standing orders for the purpose of this Act and different standard standing orders may be framed for—
 - (i) different classes of undertakings, and
 - (ii) different categories of employees;
- (c) lay down the procedure to be followed by the Certifying Officer, the Labour Court or the Industrial Court;
- (d) specify the fee which may be charged for furnishing copies of standing orders filed in the register under section 12;
- (e) provide for any other matter which is to be or may be prescribed.

(3) The rules made under this section shall be subject to the condition of previous publication in the Gazette.

22. Construction of references.— Any reference in any law for the time being in force to standing orders in relation to an undertaking to which this Act applies shall—

- (i) where standard standing orders have been applied to such undertaking under section 6 of this Act be construed as a reference to such standard orders; and
- (ii) in any other case be construed as a reference to standing orders, if any, in force in respect of such undertaking.

1. Subs. by M.P. 25 of 1985.

23. Repeal and saving.— The Madhya Pradesh Industrial Workmen (Standing Orders) Act, 1959 (No. XIX of 1959), is hereby repealed:

Provided that any proceeding under the said Act pending on the date of the commencement of this Act may be continued and completed in accordance with the provisions of the said Act, as if this Act had not been repealed.

SCHEDULE

[See sections 3 (b) and 6 (3)]

Matters to be provided in standard standing orders

- I. Classification of employees, e.g., whether permanent, temporary, apprentices, probationers, ¹["badlis or fixed term employment's employee"] and whether seasonal or otherwise.
- II. Tickets, cards, service books, registers and service certificates.
- III. Recruitment.
- IV. Manner of intimating to employees the period and hours of work, holidays, pay days and wage rates.
- V. Shift working.
- VI. Holidays, procedure and authority to grant.
- VII. Closing and re-opening of sections of the undertaking and temporary stoppage of work including laying off and the rights and liabilities of the employer and employees arising therefrom.
- VIII. Liability to search and entry into premises by certain gates.
- IX. Attendance and late coming.
- X. Leave, conditions, procedure and authority to grant.
- XI. Termination of employment otherwise than by way of punishment, and the notice thereof to be given to the employers and employees.
- XII. Punishment involving warning, censure, fine and deductions in wages.
- XIII. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
- XIV. Means of redress for employees against unfair treatment or wrongful exactions by the employer or his agents or servants.
- ²[XV. Age of retirement.]

NOTIFICATIONS

[Notification No. 7788-XVJ, dated 4-11-1961, published in M.P. Gazette, dated 17-11-1961, Pt. I, at p. 1906].— In exercise of the powers conferred by sub-section (3) of section 1 of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961), the State Government hereby notify the 25th November, 1961, as the date on which the said Act shall come into force.

[Notification No. 7770-XVI, published in M.P. Rajpatra, dated 17-11-61, pt. I, p. 1906].— In exercise of the powers conferred by sub-section (2) of section 2 of

1. Amended by Notfn. No. F-4 (E) 2-2004-A-XVI, Dated 17-3-2005. Published in M.P. Rajpatra (Asadharan) Dated 17-3-2005 at Page 172.
2. Ins. by Notification dated 19-10-1973, M.P. Gaz. 4 (ga), d. 2-11-73, pp. 770-771.

the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961), the State Government hereby notifies that the said Act shall not apply to employees in any undertaking to whom the following rules or regulation apply –

- (i) Civilians Defence Services (Classification, Control and Appeals) Rules;
- (ii) The Indian Railway Establishment Code; and
- (iii) any other rules or regulations which have already been notified by the Central Government under section 13-B of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).

[Notification No. 4 (e) 10-92-XVI-A (8), dated the 2nd November, 1992, published in M.P. Rajpatra Part I dated 20-11-92, page 3039].— In exercise of the powers conferred by section 3(a) of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961), and in supersession of the previous Notification No. 4 (E)-8-86-XVI-A, dated 21st June, 1986, the State Government hereby appoint Shri G.R. Mahajan, Deputy Labour Commissioner (Head quarter) Indore as the Certifying Officer for the whole of the State of Madhya Pradesh.

[No.4747-2130-XVI-A, D. 6.8.1980, Published in M.P. Rajpatra, pt.4(ga), D.5.9.1980, P.2223].— In exercise of the powers conferred by sub-section (1) of Section 6 of the M.P. Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961) and in supersession of all notifications issued in this behalf previously, the State Government hereby applies, with effect from the date of publication of this notification in the Madhya Pradesh Gazette, the Standard Standing Orders to all undertakings to which the said Act applies.

[Notification No. 8087-8553-XVI, published in M.P. Rajpatra, dated 20-12-63, PL I, page 3439].— In exercise of the powers conferred by section 15 of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961), and in supersession of this Department Notification No. 4918-3899-XVI, dated the 10th July 1963, the State Government hereby appoints the officers mentioned in column (1) of the Table below to be the Inspectors for purposes of the said section and further directs that they shall exercise their respective jurisdiction in respect of all classes of undertakings to which the standing orders are applicable under sub-section (1) of section 6 of the said Act and within the areas specified in the corresponding entries in column (2) of the said Table.

TABLE

Officers	Area
Deputy Labour Commissioner	All revenue districts of Madhya Pradesh.
Assistant Labour Commissioner	All revenue districts of Madhya Pradesh.
Labour Officer	All revenue districts of Madhya Pradesh.
Deputy Labour	Officer All revenue districts of Madhya Pradesh.

विज्ञान पोस्ट के अन्तर्गत डाक शुल्क के
नगद भुगतान (बिना डाक टिकट) के प्रेषण
हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़
गजट / 38 सि. से. मिलाई, दिनांक
30-05-2001."



पंजीयन क्रमांक
"छत्तीसगढ़/दुर्गा/09/2013-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 39]

रायपुर, शुक्रवार, दिनांक 2 फरवरी 2018 — माघ 13, शक 1939

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

नया रायपुर, दिनांक 2 फरवरी 2018

क्रमांक 1106/डी. 21/21-अ/प्रारू./छ. ग./18. — छत्तीसगढ़ विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 28-08-2017 को राज्यपाल एवं दिनांक 18-01-2018 को राष्ट्रपति की अनुमति प्राप्त हो चुकी है, एतद्वारा सर्वसाधारण की जानकारी के लिये प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

छत्तीसगढ़ अधिनियम

(क्रमांक 5 सन् 2018)

छत्तीसगढ़ औद्योगिक नियोजन (स्थायी आदेश) (संशोधन) अधिनियम, 2017

छत्तीसगढ़ औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1961 (क्र. 26 सन् 1961) को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के अड़सठवें वर्ष में छत्तीसगढ़ विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

- संक्षिप्त नाम, विस्तार तथा प्रारंभ. 1. (1) यह अधिनियम छत्तीसगढ़ औद्योगिक नियोजन (स्थायी आदेश) (संशोधन) अधिनियम, 2017 कहलायेगा.
- (2) इसका विस्तार संपूर्ण छत्तीसगढ़ राज्य में होगा.
- (3) यह राजपत्र में इसके प्रकाशन की तारीख से प्रवृत्त होगा.

- धारा 2 का संशोधन. 2. छत्तीसगढ़ औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1961 (क्र. 26 सन् 1961) (जो इसके पश्चात् मूल अधिनियम के रूप में निर्दिष्ट है) में, धारा 2 में,-

(एक) उप-धारा (1) में, खण्ड (क) में, शब्द "बीस से अधिक" के स्थान पर, शब्द "तीस से अधिक" प्रतिस्थापित किया जाये;

(दो) उप-धारा (2) के पश्चात्, निम्नलिखित अंतःस्थापित किया जाये, अर्थात्:-

"(3) इस अधिनियम में दी गई कोई भी बात सूक्ष्म, लघु और मध्यम उद्यम विकास अधिनियम, 2006 (2006 का 27) के अधीन "सूक्ष्म उद्योग" के रूप में वर्गीकृत किसी स्थापना या औद्योगिक इकाई को लागू नहीं होगी:

परंतु राज्य सरकार, किसी सूक्ष्म उद्योग या सूक्ष्म उद्योगों के वर्ग को प्रदान की गई कोई छूट, आंशिक रूप से या पूर्णरूप से, वापस ले सकेगी यदि उसका समाधान हो जाता है कि कर्मकारों के हित में ऐसा करना आवश्यक है.

- धारा 8 का संशोधन. 3. मूल अधिनियम की धारा 8 में,-

(क) उप-धारा (3) में, शब्द "प्रतिनिधि को भेजेगा" के पश्चात्, पूर्ण विराम चिह्न "।" के स्थान पर, कोलन चिह्न ":" प्रतिस्थापित किया जाये: और

(ख) उप-धारा (3) के नीचे, निम्नलिखित जोड़ा जाये, अर्थात्:-

"परंतु जहां सरकार ने मानक आदेश में कोई संशोधन किया है, वहां उसे किसी पंचाट, करार या समझौते में और किसी उपक्रम को लागू स्थायी आदेशों के प्रमाणित संशोधन में सम्यक् रूप से निगमित कर लिया गया समझा जायेगा."

- धारा 17 का संशोधन. 4. मूल अधिनियम की धारा 17 में,-

(एक) उप-धारा (1) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात्:-

"(1) कोई नियोजक, अपने स्थायी आदेशों को इस अधिनियम के उपबंधों के अनुसार अन्यथा उपान्तरित करता है तो वह जुर्माने से, जो पच्चीस हजार रुपये से कम नहीं होगा किन्तु जो पचास हजार रुपये तक का हो सकेगा तथा अपराध के जारी रहने की दशा में, अतिरिक्त जुर्माने से, जो प्रथम दिन के पश्चात् ऐसे प्रत्येक दिन, जिसके दौरान अपराध जारी रहता है, के लिये एक हजार रुपये से कम नहीं होगा किन्तु जो दो हजार रुपये तक का हो सकेगा, दंडित किया जायेगा."

(दो) उप-धारा (2) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

“(2) कोई नियोजक, जो स्थायी आदेश के उल्लंघन में कोई कार्य करता है तो वह जुर्माने से, जो पच्चीस हजार रुपये से कम नहीं होगा किन्तु जो पचास हजार रुपये तक का हो सकेगा और अपराध के जारी रहने की दशा में, अतिरिक्त जुर्माने से, जो प्रथम दिन के पश्चात् ऐसे प्रत्येक दिन, जिसके दौरान अपराध जारी रहता है, के लिये एक हजार रुपये से कम नहीं होगा किन्तु जो दो हजार रुपये तक का हो सकेगा, दंडित किया जायेगा।”

(तीन) उप-धारा (3) के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

“(3) जो कोई इस अधिनियम या उसके अधीन बनाये गये किसी नियम के उपबंधों का उल्लंघन करता है तो वह उप-धारा (2) के अन्तर्गत आने वाले मामलों से भिन्न मामलों में, -

(क) जुर्माने से, जो दस हजार रुपये से कम नहीं होगा किन्तु जो पच्चीस हजार रुपये तक का हो सकेगा और ऐसे व्यक्ति की दशा में, जिसे इस अधिनियम के अधीन किसी अपराध के लिये पूर्व में सिद्धदोष ठहराया गया हो, जुर्माने से, जो पच्चीस हजार रुपये से कम नहीं होगा किन्तु जो पचास हजार रुपये तक का हो सकेगा; और

(ख) अपराध के जारी रहने की दशा में, अतिरिक्त जुर्माने से, जो प्रथम दिन के पश्चात् ऐसे प्रत्येक दिन, जिसके दौरान अपराध जारी रहता है, के लिये एक हजार रुपये से कम नहीं होगा किन्तु जो दो हजार रुपये तक का हो सकेगा, दण्डित किया जायेगा।”

5. मूल अधिनियम की धारा 17-क के पश्चात्, निम्नलिखित अन्तःस्थापित की जाये, अर्थात् :-

नवीन धारा 17-ख का
अन्तःस्थापन.

“17-ख. अपराधों का प्रशमन. - इस अधिनियम के किन्हीं अन्य उपबंधों में अंतर्विष्ट किसी बात के होते हुए भी, राज्य सरकार द्वारा अधिसूचना द्वारा प्राधिकृत कोई अधिकारी, इस निमित्त राज्य सरकार के किसी सामान्य या विशेष आदेश के अधीन रहते हुए, प्रथम बार या पूर्व के अपराध (यदि कोई हो) के कारित किये जाने के दो वर्ष की कालावधि के अवसान हो जाने के पश्चात् कारित किसी अपराध का प्रशमन, या तो अभियोजन संस्थित किये जाने के पूर्व या उसके पश्चात्, कर सकेगा, और प्रशमन शुल्क के रूप में ऐसी राशि, जो जुर्माने की अधिकतम धनराशि से अधिक न हो, किन्तु जो अपराध के लिये जुर्माने की अधिकतम धनराशि के आधे के कम भी नहीं होगा, जैसा कि वह उचित समझे, अधिरोपित कर सकेगा, जब कि अपराध का प्रशमन-

(एक) अभियोजन संस्थित किये जाने के पूर्व, किया जाता है तो अपराधी को अभियोजित नहीं किया जायेगा और यदि अभिरक्षा में है, तो स्वतंत्र कर दिया जायेगा;

(दो) अभियोजन संस्थित किये जाने के पश्चात् किया जाता है तो ऐसे अपराध के प्रशमन का प्रभाव अपराधी की दोषमुक्ति होगी।”

नया रायपुर, दिनांक 2 फरवरी 2018

क्रमांक 1106/डी. 21/21-अ/प्रारू./छ. ग./18. — भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में इस विभाग की समसंख्यक अधिसूचना दिनांक 2-2-2018 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

CHHATTISGARH ACT

(No. 5 of 2018)

THE CHHATTISGARH INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(AMENDMENT) ACT, 2017

An Act further to amend the Chhattisgarh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961).

Be it enacted by the Chhattisgarh Legislature in the Sixty-eighth Year of the Republic of India, as follows :-

Short title, extent and commencement.	1.	(1)	This Act may be called the Chhattisgarh Industrial Employment (Standing Orders) (Amendment) Act, 2017.
		(2)	It extends to the whole State of Chhattisgarh.
		(3)	It shall come into force from the date of its publication in the Official Gazette.
Amendment of Section 2.	2.		In the Chhattisgarh Industrial Employment (Standing Orders) Act, 1961 (No. 26 of 1961), (hereinafter referred to as the Principal Act), in Section 2, -
		(i)	in sub-section (1), in clause (a), for the words "more than twenty", the words "more than thirty" shall be substituted;
		(ii)	after sub-section (2), the following shall be inserted, namely :-
		"(3)	Nothing in this Act shall apply to an establishment or industrial entity classified as "Micro Industry" under the Micro, Small and Medium Enterprises Development Act, 2006 (No. 27 of 2006):
			Provided that the State Government may withdraw, partially or fully, any exemption granted to any Micro Industry or category of Micro Industries, if it is satisfied that it is so required in the interest of workers."
Amendment of Section 8.	3.		In Section 8 of the Principal Act,-
		(a)	in sub-section (3), after the word "employees", for punctuation full stop ".", the punctuation colon ":" shall be substituted; and
		(b)	below sub-section (3), the following shall be added, namely :-
			"Provided that where the Government has made any amendment in the Standard Order, the same shall be deemed to be duly incorporated in any award, agreement or settlement and in the certified amendment to the standing orders applicable to an undertaking."
Amendment of Section 17.	4.		In Section 17 of the Principal Act,-
		(i)	for sub-section (1), the following shall be substituted, namely :-
		"(1)	Any employer modifying his standing orders otherwise than in accordance with the provisions of this Act, shall be punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which shall not be less than

one thousand rupees but which may extend to two thousand rupees, for every day after the first during which the offence continues."

(ii) for sub-section (2), the following shall be substituted, namely :-

"(2) Any employer who does any act in contravention of standing order shall be punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which shall not be less than one thousand rupees but which may extend to two thousand rupees, for every day after the first during which the offence continues."

(iii) for sub-section 3, the following shall be substituted, namely :-

"(3) Whoever contravenes the provisions of this Act or of any rule made thereunder, in cases other than those falling under sub-section (2), shall be punished,-

- (a) with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, and in the event of such person being previously convicted of an offence under this Act, with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees; and
- (b) in the case of a continuing offence with further fine which shall not be less than one thousand rupees but which may extend to two thousand rupees, for every day after the first during which the offence continues."

5. After Section 17-A of the Principal Act, the following shall be inserted, namely :-

Insertion of new
Section 17-B.

"17-B. Compounding of offences.- Notwithstanding anything contained in any other provisions of this Act, an officer authorized by the State Government by notification may, subject to any general or special order of the State Government in this behalf, compound any offence committed for the first time or after expiry of a period of two years from the date of commission of the previous offence (if any), either before or after the institution of the prosecution, may impose such amount, as he may think fit, not exceeding the maximum amount of fine but shall also not be less than half of the maximum amount of fine for the offence as compounding fee; when the offence is compounded, -

- (i) before the institution of the prosecution, the offender shall not be prosecuted and shall, if in custody, be set at liberty;
- (ii) after the institution of the prosecution, the composition of an offence shall have the effect of acquittal of the accused.