THE UTTAR PRADESH INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1946

1. Short title.—These rules may be called "The Uttar Pradesh Industrial Employment (Standing Orders) Rules, 1946".

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(i) "Act" means the (Central Government) Industrial Employment (Standing Orders) Act, 1946 ;

(ii) "form" means a form appended to these rules ;

(iii) "Schedule" means the Schedule to the Act ;

(iv) "section" means a section of the Act ;

q(v) "Labour Commissioner" means an officer appointed by the State Government for the time being to be Labour Commissioner and shall include the Additional Labour Commissioner posted at the Headquarter.]

(vi) "Labour Officer" means an officer ppointed by the State Government to perform the duties of a Labour Officer under these rules "[`and includes Standing Orders Officer, Uttar Pradesh, all the Conciliation Officers and the Labour Officers of the Uttar Pradesh who have been notified in the official Gazette as such by the State Government] ;

(vii) "Inspector" means an officer appointed by the State Government 2[by notification in the official Gazette for the purpose of carrying out the provisions of the Act, and of these rules and includes a Labour Officer] ;

(viii) "Registrar" means a Registrar of Trade Unions appointed by the State Government under Section 3 of the Indian Trade Unions Act, 1926 ;

(ix) "Association of Employers" means an incorporated or registered combination of employers which has for one of its objects the regulation of conditions of employment in the industry or industries conducted or carried on by its members.

2-A (1) Power of Inspectors.-For the purposes of the enforcement of the Act, the Rules and the Standing Orders duly certified thereunder the Inspector shall have the power –

(a) to enter at all times 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 registers, records and notices ;
(b) to photograph or cause to be photographed any place or work or machinery, or to obtain copy of a photograph, sketch or test measurement or any register or documents ;
(c) to inspect any building, room or workplace within the industrial establishment ;
(d) to call for explanation for any irregularity found in his inspection ;
(e) to make enquiries from such persons on the premises of the industrial establishment as he may consider necessary :

Provided that no such person shall be completed 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 Rules 5 and 9 of these rules ; and
(g) to seize any records, registers, documents, articles, which he may consider necessary.

(2) Powers of Labour Officers – In addition to the power of the Inspectors mentioned above, a Labour Officer shall have the power –

(a) to hole meeting or meetings of the workers of an industrial establishments within its premises at a place, to be determined in consultation with employers who will be bound to specify such a place in the premises, at a specified time fixed by him and intimated to the workmen and the employers of the purposes of electing representatives of workmen under Rules 10 ; and

(b) to represent the Certifying Officer before an Appellate Authority and any other Court of Law.

(3) Prohibition against disclosing information – No person who obtains any information by virtue of this Act shall otherwise than in connection with the execution of the provisions of this Act or of any order made in pursuance thereof

disclose that information to any other person except with permission granted by or on behalf of the State Government.

3. Submission of draft Standing Orders – The draft Standing Orders under sub-section (1) of Section 3 shall be submitted in Form A. The particulars of workmen required in sub-section (3) and the names of trade unions shall be given in Appendices I and II respectively.

{3-A. Where a groups of employers in similar industrial establishments submit a joint draft Standing Order under Section 3(4) of the Act such of the employers of the said group shall submit separate applications in Form 'A' with necessary court-fee stamp affixed on each of the applications and with the schedule provided under the Act.

The application shall be disposed of jointly if there is one and the same representative union of all the industrial establishment in that group otherwise the applications shall be disposed of separately.}

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4. In case the employer is not in a position to fill Appendix II to Form A he shall approach the Registrar to supply the required information of payment of the fee prescribed under the Trade Unions Act and the Regulation made thereunder.

5. The Certifying Officer shall, if necessary, get the information given in Appendices I and II to Form A checked by an Inspector and take necessary action on getting his report.

6. In addition to the matters set out in the Schedule, the following additional matters shall be included in the Schedule ;

1-A Recruitment.

5-A Abandonment of Employment.

8-A Issue of Service Certificate.

9-A Censure and warning notice, fine or stoppage of annual increment or reduction in rank

10-A Condition of promotion of workmen

11-A Issue of Wage Slip.

11-B Introduction of welfare schemes or any other facility which the employers may like to extend or which may be agreed upon between the parties.

11-C Age of superannuation or retirement and the benefits like gratuity and/or pension to be given to the workmen at the time

7. Model Standing Orders.— Model Standing Orders shall be prescribed after previous publications for the eliciting opinion.

8. Model Standing Orders shall be amended (or rescinded) also after previous publication of the proposed amendment.

9. …….

10. If there be no trade union of the workmen concerned the Certifying Officer may depute the Labour Officer to hold a meeting of the workmen (concerned for the purpose of electing their representative whose number shall not exceed five.

11. Certification of Standing Orders.—The Certifying Officer on being satisfied that all the provisions of the Act and the Rules made thereunder have been complied with, shall certify all the five copies of Standing Orders in Form B and a certified copy of the Standing Orders shall be supplied to the employers and the representatives of workmen concerned.

12. The Certifying Officer shall, also maintain a register of Standing Orders in Form C.

13. If more than one Certifying Officer is appointed by Government or the Certifying Officer is an authority other than the Labour Commissioner, the Certifying Officer shall invariably forward a copy of the certified Standing Orders to Labour Commissioner.

14. …….

15. No order passed by an (industrial Court*) shall be called in question

16 The State Government may direct the Advocate General or any other officer to appear in any proceedings before the Industrial Court by giving a notice to such court and on such notices being given the Advocate General or such officer shall be entitled to appear in such proceedings.

An Industrial Court may, at its discretion, call in the aid of one or more assessors.

(a) In any proceedings before an Industrial Court, parties may, with the permission of the court, appear by pleader, or advocate of a High Court, or in the case of a Union and Association of Employers by any of its officers duly authorized by the union or association concerned in this behalf.

(b) In any proceeding before a Certifying Officer under section 5, the employer may be represented by any of his authorized manager or any other officer of his establishment or of the Association of the employers of which he is a member which the concern of both the parties. Advocate or legal practitioners shall also be allowed to represent the employers.

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19. The decision of an Industrial Court shall be communicated to both the parties, Certifying Officer concerned and the Labour Commissioner, in case he is not a Certifying Officer, and the State Government.

20. Subject to the provisions of the Act and these Rules **an** Industrial Court may regulate its own procedure as it thinks fit.

21. Fees. The fee payable for getting a copy of the Standing Orders under Section 8 shall be Re. 1 per 1,000 words or fraction thereof.]

22. (1) The employers shall, within 60 days of the receipt of a certified copy of the standing orders under Rule 11, submit to the Certifying Officer, Hindi version, thereof for his approval, who shall ensure correctness of the same.

(2) Every employer shall cause to be posted the Hindi version of the Standing Orders so approved along with its English text in the manner prescribed in Section 9.

In case of difference between English, Hindi and Urdu texts the English version as certified by the Certifying Officer shall be taken to be the authoritative copy of the Standing Orders.

The Certifying Officer shall be empowered to have the Hindi and Urdu versions corrected, in case he is satisfied that they arc not correct.

25. Modification of Standing Orders.—) An application under subsection (2) of Section 10 shall be made in Form D.

(b) Where such an application for the modification is received from a workman the Certifying Officer shall where more than one trade union exists among the workmen of the industrial establishment, take step to enquire and declare a representative trade union according to the procedure laid down in rule 9 of these rules, if there is no trade union, the procedure given in rule 10 shall be followed to elect the representative of workmen.

(c) The application for modification received from a workman shall thereafter be sent to the representative union, or elected representatives, as the case may be, to elicit opinion.

(d) Proceedings to certify the modification sought for shall be undertaken only to the extent these modifications are approved by the representative trade union or elected representative, as the case may be, and such trade union or representative shall be representing the applicant workman during the proceeding for certification.]

26. A copy of the application referred to in Rule 25 shall be forwarded to the Labour Commissioner, in case he is not the Certifying Officer.

27. Manner of service.—All notices, notifications and orders under this Act and the rules shall be served on the parties concerned by registered acknowledgment due letter or by special messenger. In the latter case, an ‘ acknowledgment in writing by or on behalf of the other party concerned shall be obtained in respect of such delivery.

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The Manager of each industrial establishment shall maintain a bound inspection book and shall be responsible for its production on demand Inspector, "irrespective of the fact whether the manager is himself present in industrial establishment at the time of the visit of the Inspector or not].

27-B.—The registers, records, documents, maintained under the **noti**fied Standing Orders for the purposes of checking up whether compliance ’ \ with the Act and the rules is being made shall be produced by the Manager) of an industrial establishment on demand by an Inspector.]

28. If an employer or a workman moves a Labour Court to seek redress' under section 13-A of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, he shall send a copy of such application to the Certifying Officer within a week of moving such application before the Labour Court.]

[28-B. The Certifying Officer may enter appearance at such proceedings before a Labour Court.]

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