No. 225(2)/LXXIX-V-1–18-1(ka)-12-2017

Dated Lucknow, January 31, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Audyogik Niyojan (Sthai Aadesh) (Uttar Pradesh Sanshodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 16 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the President on January 9, 2018.

THE INDUSTRIAL EMPLOYMENT (STANDING ORDER) (UTTAR PRADESH AMENDMENT) ACT, 2017

(U. P. ACT NO. 16 OF 2018)

[*As passed by the Uttar Pradesh Legislature*]

AN

ACT

further to amend the Industrial Employment (Standing Order) Act, 1946 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Industrial Employment (Standing Order) (Uttar Pradesh Amendment) Act, 2017. Short title and extent

(2) It shall extend to the whole of Uttar Pradesh.

2. *After* section 13-B of the Industrial Employment (Standing Order) Act, 1946 the following section shall be *inserted*, namely:- Insertion of section 13-C in Act no. 20 of 1946

"13-C (1) Any offence punishable under this Act shall be compounded on the application of accused either before or after institution of prosecution by a competent authority notified by the State Government in this regard, after imposing 50% of the fine for the offence as compounding fee along with the prescribed fine: Composition of offences

Provided that remedy for compounding shall be available for the first offence only.

(2) Every officer referred to in sub-section (1) shall exercise the power to compound an offence, subject to direction, control and supervision of the State Government.

(3) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged."

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STATEMENT OF OBJECTS AND REASONS

The Industrial Employment (Standing Order) Act, 1946 has been enacted by the Central Government to provide for requiring employers in industrial establishments formally to define conditions of employment under them and to make the said conditions known to workmen employed by them.

From the last decade there has been a growing demand for introduction of provision for compounding of small offences in order to avoid unnecessary litigation and to reduce the number of cases pending in courts. After due consideration and consultation with association of employers and trade unions, it has been decided to amend the said Act to provide for compounding the first offence on payment of fifty per cent of the fine as compounding fee along with prescribed fine for the offence under the aforesaid Act.

The Industrial Employment (Standing Order) (Uttar Pradesh Amendment) Bill, 2017 is introduced accordingly.

By order,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

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पी0एस0यू0पी0–ए0पी0 854 राजपत्र–(हिन्दी)–2018–(2640)–599 प्रतियां–(कम्प्यूटर/टी/आफसेट)।
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