

# **The Orissa Industrial Employment (Standing Orders) Rules, 1946**

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## **The Orissa Industrial Employment (Standing Orders) Rules, 1946**

### **Rule**

### **THE-ORISSA-INDUSTRIAL-EMPLOYMENT-STANDING-ORDERS-RULE of 1946**

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The Orissa Industrial Employment (Standing Orders) Rules, 1946Published vide Notification No. 2214-IIIL-132/46-Com., dated 27-5-1947, Orissa Gazette Part-3/1947No. 2214-IIIL-132/46-Com., dated 27-5-1947. - In exercise of the powers conferred by Section 15 read with Clause (b) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Governor of Orissa is pleased to make the following rules, the same having been previously published as required by Subsection (1) of the said Act, namely :

#### **1.**

(1)These rules may be called the Orissa Industrial Employment (Standing Orders) Rules, 1946.(2)They shall apply to industrial establishments under the control of the Provincial Government.

#### **2.**

In these rules unless there is anything repugnant in the subject or context-(a)"Act" means the Industrial Employment (Standing Orders) Act, 1946;(b)"Form" means a form set out in the Schedule II appended to these rules.

**3.**

The model Standing Orders for the purposes of the Act shall be those set out in Schedule I [and Schedule-A] [Inserted vide Orissa Gazette Extraordinary No. 1179/2-9-1986.] appended to these rules.

**4.**

An application for certification of Standing Orders shall be made in Form I.

**5.**

The prescribed particulars of workmen, for the purposes of Subsection (3) of Section 3 of the Act shall be-(1)Total number employed;(2)Number of permanent workmen;(3)Number of temporary workmen;(3-A) Number of casual workmen;(4)Number of badlis or substitutes;[4-A Number of fixed term employment workmen.] [Inserted vide O.G.E. No. 891 dated 16.5.2007.](5)Number of probationers;(6)Number of apprentices;(7)Name of the trade union or trade unions, if any, to which the workmen belong;(8)Remarks.

**6.**

As soon as may be after he receives an application under Rule 4 in respect of industrial establishment the certifying officer shall-(a)where there is a trade union of the workmen, forward a copy of the draft Standing Orders to the trade union together with a notice in Form II;(b)where there is no such trade union, hold election of three representatives by the workmen from among themselves or authorise any officer in working to hold such election, and thereupon shall forward a copy of the draft Standing Orders together with a notice in Form II to the representatives so elected.

**7.**

Standing Orders certified in pursuance of Sub-section (3) of Section 5 or Sub-section (2) of Section 6 of the Act shall be authenticated by the signature and seal of office of the certifying officer or the appellate authority, as the case may be, and shall be forwarded by such officer or authority within a week of authentication by registered letter posted to the employer and to the trade union, or as the case may be, representatives of the workmen elected in pursuance of Rule 6.

**7A. [ [Inserted vide Orissa Gazette Part-III/6-12-1963.]**

(1)Any person desiring to prefer an appeal in pursuance of Sub-section (1) of Section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quadruplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.(2)The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments, or modification

as certified by the certifying officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.(3)Where the appellate authority does not confirm the standing orders, amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given :(a)where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions, to the representatives of workmen elected under Clause (b) of Rule 6, or as the case may be, to the employer;(b)where the appeal is filed by a trade union, to the employer and all other trade unions of workmen of the industrial establishment;(c)where the appeal is filed by the representatives of the workmen, to the employer and any other workmen whom the appellate authority joins as a party to the appeal.(4)The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.(5)The appellate authority may at any stage call for any evidence, it considers necessary for the disposal of the appeal.(6)On the date fixed under Sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.]

## 8.

The register required to be maintained by Section 8 of the Act shall be in Form III and shall be properly bound and the certifying officer shall furnish a copy of standing orders approved for an industrial establishment to any person applying therefor on payment of a fee calculated at the following rate per copy :(i)for the first 200 words or less, 75 paise;(ii)for every additional 100 words or fraction thereof 37 paise :Provided that where the said Standing Orders exceed five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words, to the nearest hundred, for the purpose of assessing the copying fee.

I

[Model Standing Orders for Workmen] [Substituted vide Orissa Gazette Extraordinary No. 1179/2-9-1986.]

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

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

(1)permanent;(2)probationers;(3)bodlis:[3-A fixed term employment;] [Inserted vide O.G.E. No. 891 dated 16.5.2007.](4)temporary;(5)casual;(6)apprentices.(b)A "permanent" workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment, including breaks due to sickness, accident, leave, lock-out, strike, (not being an illegal strike) or involuntary closure of the establishment.(c)A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed six 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 own 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 who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.(f)A "casual" workman is a workman whose employment is of a casual nature.(g)An "apprentice" is a learner who is paid an allowance during the period of his training.(h)[ "A fixed term employment" workman is a workman who has been engaged on the basis of contract of employment for a fixed period whose working hours, wages, allowances and other benefits shall not be less than that of a permanent workman and shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.]  
[Inserted vide O.G.E. No. 891 dated 16.5.2007.]

### **3. Tickets - (1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker or apprentice.**

(2)Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person 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 workman 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 transfer 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 shift, no permanent 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 re-started, a week's notice thereof shall be given by posting a notice at the main entrance to the establishment and the timekeeper'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 re-starting 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.**

[7-A. Notice of change in shift working [Inserted vide Orissa Gazette Part-III/17-3-1961.] - Any notice of discontinuance or of re-starting of a shift working required by Standing Order 7 shall be in the Form appended to these orders and shall be served in the following manner, namely :The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the manager's office:Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by registered post on the Secretary of such union.]

**8. Attendance and late coming - All workmen shall be at work at the establishment at the 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 :**

Provided that no worker who attends to his work within five minutes of its commencement will be liable to any deductions.

**9. Leave - (1) Holidays with pay will be allowed as provided for in Chapter IV-A of the Factories Act, 1934 and other holidays in accordance with law, contract, custom and usage.**

(2)A workman who desires to obtain leave of absence shall apply to the manager, who shall issue

orders on the application within a week of its submission or two days prior to 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, leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof he shall apply to the manager in advance by the registered post who shall send a written reply either granting or refusing the extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.(3)If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns within 8 days of the expiry of the leave; and (b) explains to the satisfaction of the 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. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of the absence from and of the probable duration of such absence.**

**11. Payment of wages - (1) Any wages, due to the workman but not paid on 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 an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof. (4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such 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 by the employer or the workmen one month's notice in the case of monthly rated workmen and two weeks' notice in the case of other workmen ; one month's or two weeks' pay, as the case may be, may be paid in lieu of notice.**

(2) [ Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly-rated or weekly-rated or piece rated, and no probationer or badli or fixed term employment workman as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof if his services are terminated but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed.] [Inserted vide O.G.E. No. 891 dated 16.5.2007.] (3) Where the employment of any workman is terminated the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated.

**14. Disciplinary action for misconduct - (1) A workman may be fined up to two per cent of his wages in a month for any of the following acts and omission, namely :**

Note - Specify the acts and omissions which the employer may notify with the previous approval of the Provincial Government of the prescribed authority in pursuance 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 insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;(b)theft, fraud, or dishonesty in connection with the employer's business or property;(c)wilful damage to or loss of employer's goods or property;(d)taking or giving bribes or any illegal gratification;(e)habitual absence without leave or absence without leave for more than 10 days;(f)habitual late attendance;(g)habitual breach of and law applicable to the establishment;(h)riotous or disorderly behaviour during working hours of 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; and(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)(a)Where a disciplinary proceeding against workman is contemplated or is pending or when criminal proceedings against him in respect of any employer is satisfied that it is necessary or desirable to place the workman under suspension, he may, by order in writing, suspend him with effect from such date setting out in detail the reasons for such suspension and a copy shall be supplied to the workman, within a week from the date of suspension.(b)A workman who is placed under suspension under Clause (a) shall, during the period of 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 workman would have been entitled if he was 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 allowances : 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 proceeding is prolonged beyond a 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 inquiry or, as the case may be, of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would



meet the ends of justice, the employer shall pass 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 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 the inquiry, or as the case may be, of the criminal proceedings, the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period. (e) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension. (5) In awarding punishment under the standing order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the 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 these 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.**

Form[See Standing Order 7-A]Notice of discontinuance/re-starting of a shift working given by an employer.....Name of employer.....Address.....Dated the day of.....20.....In accordance with Standing Order No.....of the Standing Orders certified and approved in respect of my/our industrial establishment I/we hereby give notice to all concerned that it is my/our intention to discontinue/re-start the shift working specified in the Annexure, with effect from.....SignatureDesignationAnnexure(Here specify the particulars of change in the shift working proposed to be effected).

**I-A**

Model Standing Orders for Working Journalists

**1. Commencement - These orders shall come into force on.....**

**2. Classification of working journalists - Working journalists shall be classified as :**

**1. Apprentices;**

**2. Part-time;**

**3. Permanent;**

**4. Probationers;**

**5. Temporary.**

**3. Definitions - In these Standing Orders-**

(a)an "apprentice working journalist" means a learner who is either paid or not paid any allowance during the period of his training, which shall not exceed one year;(b)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;(c)a "permanent working journalist" means a working journalist who has been engaged on a permanent basis or whose appointment has been confirmed in writing by the manager or any other officer authorized by the manager in that behalf and includes any person who has completed to the satisfaction of the manager, a probationary period of six months in aggregate or such extended time as may be given to

him by the manager to show improvement, in the same newspaper establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the newspaper establishment ;(d)a "probationer" means a working journalist who is provisionally employed to fill a permanent vacancy or a post and who has not completed six months of service in aggregate or such extended period, not exceeding six months, as the manager, in consultation with the editor, may fix with a view to giving him a change to show improvement, in the same newspaper establishment :Provided that where a permanent working journalist who is employed as a probationer in a post different from his substantive 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 a probationer in that new post ;Explanation - The expression "probationary period" shall, for the purposes of the proviso include breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment;(e)a temporary working journalist" means a 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.

**4. Appointment letter - Every working journalist shall be given an appointment letter at the time of his appointment. On a working journalist being promoted he shall be given a letter setting out the terms of the post to which he has been promoted.**

**5. Leave record - Every newspaper 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.**

**6. 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 Order No. 10.**

**7. 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 his 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, number of warnings, if any issued, number of times censured, and such other matters as may be prescribed by the management.**

**8. Publication of working time - The periods/hours of work and the place of work for all classes of working journalist shall be exhibited in English, in Hindi and in the regional language on the notice boards (hereinafter referred to as the said notice boards) maintained at the newspaper establishment.**

**9. Publication of holidays and pay days - Notices specifying-**

(a) the days which shall be observed by the newspaper establishment as holidays (including weekly holidays); and (b) payday, shall be posted on the said notice boards.

**10. Attendance and late coming - (1) All working journalists shall be at work at the place and time published under Standing Order No. 8.**

(2) All working journalists shall sign everyday the attendance register and shall state therein time of their arrival at, and departure from, the newspaper establishments. 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.

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

(2) Any wages due to the working journalists 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 said notice boards as aforesaid.

**12. 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 or a section or sections of a department or departments of the newspaper establishment wholly or partially (or the whole or part of the newspaper establishment for any period or periods 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 or section of the newspaper establishment concerned.**

**13. Termination of employment - (1) The services of a working journalist shall not be terminated as a punishment unless the procedure laid down in the Standing Order No. 15 has been followed.**

(2) An order relating to termination of service of a working journalist shall be in writing and it shall be signed by the appointing authority or by an official of the newspaper establishment authorised in this behalf by the appointing authority. The reasons for the termination of the services shall be given in the order, a copy of which shall be supplied to working journalist concerned. (3) Where the employment of any working journalist is terminated, the wages earned by him and the other dues, if any, should be paid to him before the expiry of a fortnight in the case of wages, and six weeks in the case of other dues, from the day on which his employment is terminated.

**14. Act of misconduct - Any of the following acts or omissions on the part of a working journalist shall amount to misconduct, namely :**

(a) wilful insubordination or disobedience whether alone or in combination with others to any lawful and reasonable order of a superior; (b) striking work or inciting others to strike work in contravention of the provisions of any law, rule having the force of law, or deliberate showing down in performance; (c) theft, fraud or dishonesty in connection with the employer's business or property; (d) taking or giving bribe or any other illegal gratification; (e) habitual absence from duty without leave or absence from duty without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or proper satisfactory explanation; (f) habitual late attendance; (g) habitual breach of any Standing Order or any Act applicable to the establishment or any rules made under such Act; (h) riotous or disorderly behaviour during working hours at the newspaper establishment or any act subversive of discipline; (i) habitual negligence or neglect of work; (j) habitual breach of any rules or instructions issued for the maintenance and running of any department with which he is concerned; (k) wilful damage to work in process or to any property of the newspaper establishment; (l) refusal to accept a charge-sheet, order or other communication served in accordance with those standing orders.

**15. Disciplinary action against a working journalist - (1) The following penalties may be imposed on a working journalist by an authority or authorities to be nominated by the newspaper establishment in this behalf, for proved or gross inefficiency or gross negligence or any misconduct specified in Standing Order No. 14, namely ;**

(a) Warning; (b) censure; (c) suspension not exceeding ten days; (d) withholding of increments; (e) withholding of promotion; (f) demotion (reduction to a lower rank); and (g) termination of service : Provided that the penalty of termination of service shall not be imposed on any working journalist other than the editor except after consultation with the editor or the head of the section concerned. (2) No disciplinary action shall be taken against any working journalist unless he has been given a copy of the charge levelled against him and unless he has been

given opportunity of showing cause and of defending himself either personally or through a co-worker of his choice or through an official of a trade union of working journalists of which he is a member as to why the proposed penalty should not be imposed on him. The working journalist concerned shall have the right to be heard in person and to examine witnesses and to produce evidence.(3)No penalty shall be imposed on a working journalist unless he is informed in writing of the reasons for awarding the proposed penalty and is given a reasonable opportunity of showing cause, either himself personally or through a co-worker of his choice or through an official of a trade union of working journalists of which he is a member as to why the proposed penalty should not be imposed on him.(4)(a)A working journalist may be suspended by the appointing authority or by any person authorised by him in this behalf, during the period of an enquiry against the working journalist ; provided that the working journalist shall be paid during such period of suspension, a subsistence allowance which shall not be less than one-half of the wage which had been last drawn by him while on duty.Explanation - For the purposes of this Standing Order, "wage" means as defined in the Industrial Disputes Act, 1947.(b)An order of suspension shall be in writing and may take effect immediately on delivery thereof to the working journalist.(c)If a working journalist refuses to accept a charge-sheet, order or other communication served in accordance with these Standing Orders, provided that he has been asked to accept the charge-sheet in the presence of at least two witnesses, he shall be told verbally the time and place at which enquiry into his alleged misconduct is to be held and if he refuses or fails to attend at that time, the enquiry shall be conducted ex parte and the punishment awarded shall take account of misconduct under Standing Order No. 14 thus committed :Provided that the service of charge-sheet and intimation of time and place of enquiry shall also be made to the working journalist concerned by registered post with acknowledgement due.(d)If on enquiry the charges against the working journalist, who was under suspension during the period of the enquiry, are not proved, he shall be deemed to have been on duty during the period of suspension and shall be entitled to receive the wages and other allowances which he would have received, if he had not been suspended.(5)In awarding a penalty under these Standing Orders, the authority shall take into account the gravity of offence, the previous record, if any, of the working journalist and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the punishing authority as well as the remarks made by the editor, if any, shall be supplied to the working journalist concerned.

**16. Complaints - Any working journalist desirous of getting redress in respect of any grievances arising out of his employment or relating to unfair treatment or wrongful exaction on the part of the superior shall submit a complaint in writing to the manager or any officer appointed in this behalf. An appeal against the order of the manager shall lie to the employer in cases where the manager is not the employer.**

**17. Certificate of termination of service - Every working journalist shall be entitled to a service certificate at the time of his termination of service.**

**18. Liability of manager - The manager of the newspaper establishment shall be personally held responsible for the proper and faithful observance of the Standing Orders ; provided that where the manager is overruled by his superior, the latter shall be held responsible for the decision taken.**

**19. Supply of standing orders - Every working journalist shall be supplied free of cost with a copy of the certified Standing Orders applicable to him at the time of his employment or as soon as possible after the date they come into operation but in any case not later than three months from such date.**

## II

Form I[Industrial Employment (Standing Orders) Act, 1946-Section 3]Dated 20.....ToThe  
Certifying Officer, Government of Orissa.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) place (postal address) an industrial establishment owned/controlled  
by me, with the request that these orders may be certified under the terms of the Act, I also enclose a  
statement giving the particulars prescribed in Rule 5 of the Orissa Industrial Employment (Standing  
Orders) Rules, 1946.I am, etc.,(Signature)Employer/ManagerForm II[Notice under Section 5 of the  
Industrial Employment (Standing Orders) Act, 1946]Office of the Certifying OfficerPlace  
.....Dated the 20.....I ..... Certifying Officer, forward herewith a copy of  
the draft standing orders proposed by the employer for adoption in the industrial establishment and  
submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946.  
Any objections which the workmen may desire to make to the draft standing orders should be  
submitted to me within fifteen days from the receipt of the notice.Certifying OfficerSealTo

The Secretary, Representative elected under Rule 6 } UnionNameOccupationIndustrial  
establishment

Form III[Industrial Employment (Standing Orders) Act, 1946-Section 8]Part-I RegisterIndustrial  
Establishment.....

Serial No.	Date of despatch of the copy of Standing Orders authenticated under Section 5 of the first time	Date of filing appeal	Date and nature of decision	Amendments made on appeal, if any	Date of the despatch of the copy of the Standing Orders as settled on appeal	Anu notice subsequently given or received of any amendment	Result
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Part-II (should contain the authenticated copy of the Standing Orders)Appendix-ANotificationsGovernment of Orissa, Labour, Employment and Housing  
DepartmentNotification No. 111/1-3/69-1437/LEH, dated 12-3-1970 - In exercise of the powers  
conferred by Clause 2 (c) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20

of 1946) the State Government do hereby appoint the Deputy Labour Commissioner, Rourkela to perform all the functions of a certifying officer in respect of the industrial establishments in the districts of Keonjhar, Mayurbhanj, and Sundergarh under the said Act. Secretary to Government Government of Orissa, Labour Department Notification No. 111/1-1/64-9498/Lab., dated 1-9-1964 - In exercise of the powers conferred by Clause (c) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) the State Government do hereby appoint the Deputy Labour Commissioner, Orissa to perform all the functions of a Certifying Officer under the said Act. Additional Secretary to Government Government of Orissa, Labour Department Notification No. 3480 Lab., IF-6/54, dated 24-6-1954 - In partial modification of the Notification of the Government of Orissa in the late Commerce and Labour Department No. 9434 Com., dated the 18th December, 1946 and in pursuance of Clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) the Governor of Orissa is pleased to appoint all the District and Sessions Judges of the State to exercise the functions of the appellate authority under the said Act within their respective jurisdictions. Deputy Secretary to Government Government of Orissa, Commerce and Labour Department Notification No. 1814 Com., dated 21-4-1948 - In exercise of the powers conferred by Section 14 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) the Governor of Orissa is pleased to direct that all industrial establishments in the Province of Orissa under the control of the Provincial Government shall be exempted unconditionally from all the provisions of the said Act. Secretary to Government Government of Orissa, Labour Department Notification No. 11-S 14/63 Lab., dated 9-10-1963 - In exercise of the powers conferred by Section 492 of the Code of Criminal Procedure, 1898 (5 of 1898) the State Government hereby appoint all Labour Inspectors (Central) to be Public Prosecutors within their respective jurisdiction in Orissa for all cases under the Industrial Disputes Act, 1947, the Industrial Employment (Standing Orders) Act, 1946 the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Employment of Children Act, 1938 and the Coal Mines Provident Fund and Bonus Schemes Act, 1948 in relation to matters in respect of which the Central Government is the appropriate Government under the Acts aforesaid. Joint Secretary to Government Government of Orissa, Labour Department Notification No. IF, 17/63/11655 Lab., dated 19-10-1968 - In exercise of the powers conferred by Clause (a) of Section 3 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) the State Government do hereby appoint the Presiding Officer, Labour Court constituted in the Notification of the Government of Orissa in the Labour Department No. 2138 Lab., dated the 2nd April, 1957 to exercise the functions of the appellate authority under the said Act throughout the State of Orissa. The Notifications of the Government of Orissa in the Labour Department No. 3480 Lab., dated the 24th June, 1954 and in the defunct Commerce and Labour Department No. 9434 Com., dated the 18th December, 1946 are hereby cancelled. Joint Secretary to Government Government of Orissa, Labour Department Notification No. IF, 83/58-8575/Lab., dated 28-11-1958 - In pursuance of Section 13-A of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) the State Government do hereby specify the Labour Court constituted under the Industrial Disputes Act, 1947 in the notification of the Government of Orissa in the Labour Department No. 2138-Lab., dated the 2nd April, 1957 for disposal of proceedings under the aforesaid section of the said Act. Deputy Secretary to Government