BIHAN LNDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES, 1947

Bihar Factories Welfare Officers Rules, 1932 9. Emoluments admissibie On 1 st March 1986. (a) Pay— (b) Special pay, if any (c) Other emoluments, if any . IO. The date of next increment in the replace ment scale after 1st March, 1989 Signa- ture of pay fixation authority. The 11th Augustr1982. t

Form i S. O. 1268 dated the 23rd August, 1982. —The Government of Bihar, for the purposes of clause (a) of Rule 4 of the Bihar Factories Welfare Offcers Rules, 1952, is pleased to recognise the two years post-graduate Diploma in Labour and Social Welfare awarded by the Institute of Labour Studies, Jamshedpur to be equivalent to a degree of M. A. in Labour and Social Yvelfare for the purposes of the said Rules. The 10th March, 1987. S. O. 1118 dated the 8th November, 1987.—The Governor of Bihar, for the purposes of clause (a) o? Rule 4 of the Bihar Factories Welfare Offcers Rules, 1952 is pleased to make the following amendments in the Labour, Em- ployment and Training Department's Notification no. S. O. 66 dated the 27th January, 1983 regarding the recognition of M. B. A. degree awarded by Lalit Narayan Mishca College of Business Management, Muzaffarpur With speciali- sation in the 3rd Semester AMENDMENT In the said notification 2— (1) For personnel Management and Industrial RelationS (Group and Labour Relations (Group she words Personnel Management and Industrial Relations (Group shall be substituted. The 23rd November, 1987 S. O. 941 dated the 18th May, 1988.—The Government of Bihar for the purposes of clause (a) of Rule 4 Of the Bihar Factories Welfare Offcers Rules, 1953 is pleased to recognise the two years M. B. A. degree with specialisation in Penonnel Management and Industrial Relations awarded by the Indian Institute Of Business Management, Petna fur the purposes Of the said Rules. The Bihar Industrial Employment (Standing Orders) Rules, 1947 Notification No. 2679-XL (L) 7147-L, the 21st November, 1947.—In exer- cise 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 Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (2) of the said section 15, namely 1. Title.—These rules may be galled "The Bihar Industrial Employ- ment (Standing Orders) Rules, 1947" 2. Definitions.—ln these rules, unless there is anything repugnant in the subject or con!ext,— (i) a-form" means a•form appended to these rules ; (iij "Labour Commissioner" means the omcer, appointed by Pro- vincial Governmeåg to be the Commissioner of Labour and Em- ployment for-the t!imc being in the province of Bihar ; (iii) "Registrar" means the Registrar of Trade Unions for the province Of Bihar, appointed by the Provincial Government under section 3 of the Indian Trade Unions Act , 1926; (iV) "section" means a section of the Act ; (v) "the Act" means the Industrial Employment (Standing Orders) Act, 1946; ar:d ll(vi) all words and expressions used in these rules but not defined there- in and defined in the Act herein shall respectively have the same meaning as in the Act.] 3. Submission•or Draft Standing The draft Standing Orders under sub-section(l) of section' 3 shall be submitted in Fortu I. (a) For the purposes of seLtion (3) of the said section the particular Of Workmen and the names-of the trade, if any, to which they belong, shall be given in Forms IA and 1B respectively

4. Collection of information from the Registrar.—For the purposes of furnishing the particulars prescribed in

Form 1B, the employer shall, if nece• ssary, ?pproach the: Registrar to supply the required information on payment cf the fee, if any. prescribed under the Indian Trade Unions Act, 1926, and the regulationS made thereunder

5. Model Standing Orders.—The Model Standing Orders, for the prO• poses of the Act, shall be those set out in Appendix A to these rules

6. Joint Draft Standing Orders.—lf a group of employees in similar industrial establishments submit a joint draft of Standing Orders, under sub- section (4) of section 3, it shall not be entertained unless it is accompanied 12.3.1975. 10] Bihar Industrial Employment (S. O.) Rules, 1947 Rules '-ii (i) a list of the members

forming the group in Form 11; (ii) a declaration from each Of the members of the group in Form ILA; and (iii)• statements in Forms IA and 1B in respect of each of the indus- trial establishments forming the group

7. Supply of copies of drafts Standing Orders to trade unions.— If there is more than one trade union, the Certifying Omcer shall, for the purposes of section 5, supply one copy of the draft Standing Orders to each Of the trade unions

8. Committee of representatives of workmen.—Where there is no such union, the Certifying shall call a meeting of the workmen concerned for the purposes of electing a Committee of Representatives, whose number shall not exceed five. The Committee shall, elect one from amongst its own number to be the President to whom the Certifying offcer shall forward a copy of the draft Standing Orders

9. Inviting objection to draft Standing Orders.—The Certifying Offcer shall forward a copy of the draft Standing Orders, together with a notice in

Form Ill to the trade union, or where there is more than one trade unio , to the President of the Committee elected in pursuance of rule 8, as the cas may be, requiring objections, if any, to the draft Standing Orders on behalf of the workmen to be submit•ed to the Certifying Offcer within fifteen days from the receipt Of the notice. IO. Certification of Standing Orders.—The Certifying Offcer or the Appellate Authority, as the case may be, shall certify, in pursuance of sub-section (3) of section 5 or sub-section 6, five copies of the Standing Ord- ers in Form IV and the copies so c:rtified shall be authenticated by the sig- nature and the seal of the omce of the Certifying Offcery. or, the Appellate Authority, as the case may be, and such Certifying Offcer, or Appellate au- thority, shall forward within a week Of authentication, a copy, by registered letter post, to the employer and by the trade union, or, where there is more than one trade union, to each of the trade unions, or, where there is no such trade union, to the President Of the Committee Of Representatives elected in pursuance of rule 8

Form V and the Certifying Offccr shall furnish a copy Of the Standing Orders, as finally certified under the Act, in respect of an industrial establishment to any person applying therefor; on paym t a fee of rupee one only. 11 A. Inclusion Of additional matters in the schedule to the Aet.—rn Addition to the matters set out in the schedule, the following additional matters Shall be included in the of Workmen.) 12. Appeals.— The Provincial Government, may, direct the Advocate• General or any other, to appear in any proceedings before the Appellate Authority by giving a notice to Such authority and on such notice being given the Advocate-General Or such offcer, as the case may be, Shall be entitled to appear in such proceedings. Sub.. by Notification No. dated Rules 13-14 Bihar Industrial Employment (S. O.) Rules, 1947 13. Pleaders or persons authorised to appear On behalf of parties.— •In any proceedings beiOre the Appellate Authority parties may, with the permission of the Court, appear by Pleaders cr Advocate or in the case ofa Union, and group of employers by any of its omcer duly authorised by the Union, or the group concerned in this behalf. Procedure for filing and hearing of The employer, the union or the representatives of workmen elected under rule 8, as the case may be, desiring to-prefer an appeal in pursuance Of sub-section (I) of Section 6 ot the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quadruplicate to the Appellate Authority along- with a copy of each of the cerxificd standing orders and any modifications Of Or additions to the same. (2) The Appellate Authority shall give the appellant an opportunity Of heir" heard and unless it comes to the conclusion that the decision of the Certifying Offcer under sub-section (2) of section 5 is contrary to the law or otherwise erroneous, it shall confirm the Standing orders in the form certified by the Certifying Offcer. (a) Where the Appellate Authoriby does not confirm the standing orders in the form certified by the Certifying Offcer it Shall fix a date for hearing Of appeal and direct notice thereof to be given— (a) Where the appeal is filed by the employer, to the trade unions Of the workmen of the industrial establishment, and where there are no such trade unions, to the committee of representatives Of workmen elected under rule 8; (b) Where the appeal is filed by a trade union to the employer and all other trade unions of the workmen of the industrial establish- ment; and (c) Where the appeal is filed bythe committee of representatives of the workmen elected under rule 8, to the employer. (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) The Appellate Authority shall call for the final records from the Certifying Officer and may, if considers necessary, obtain the comments of the Certifying Offcer setting out the grounds thereof before hearing the parties concerned. (7) On the date fixed under sub-rule (3) for the hearing of the appeals the Appellate Authority shall take such evidence as it may have called for or such evidence as it considers to be relevant.] •114. Court Fees.—The Court fees payable in respect Of proceedings under rule 14 shall be— (a) for every appeal under sub-section (l) of section 6 of the Indus- trial Employment (Standing Orders) Act, 1946 shall be twenty- five rupees.] Sub..by S. O

2. Ing.by ibid. 12] Bihar Industrial Employment (S. O.) Rules, 1947 Appx. Appx. A] Bihar Industrial Employment (S. O.) Rules 1947 t 13 *115. Pasting of Standing text Of the Standing: Orders or any subsequent modification thereof in addition thereto as finally Certified in addition to being pasted by the employer in English be also pasted in Hindi in the manner laid down in section -9. Before pasting the Hindi version of the Standing Orders, the employer shall submit them to the Certifying Officer for his approval, who shall ensure the correctness of the same. The mcaning con- veyed by the language in which a Standing Order is certified Shall' prevail in case Of any difference over the interpretation of any Standing Order.] 16. Authoritative copy of Standing Orders.—ln the case Of difference between the i[English and Hindi] copies Of the Standing Orders, the Eoglish Version as ceråfied by the Certifying Offcer, or the Appellate Authority, as the case may be, shall be taken to be the authoritative copy Of the Standing Orders. 1M 7. Power to correct vernacular versions of Standii:g Certifying Office: is hereby empowered to have the. Hindi Version corrected in case he is satisfied that it is not correct

18. Modification of Standing Orders.—An application under sub section (2) of section IO shall be made in Form VI

19. Manner of service.—All notices, notifications and orders under the Act and the rules shall be served on the parties concerned by registered letter post, with acknowledgment due, 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. APPENDIX A (See Rule 5.) Model Standing Orders

1. These orders shall come into force on... 2- Classification of Workmen,shall bc classified as— (1) Permanent, (2) Probationers, (3) badlis, (4) temporary, (5) (6) apprentiees. (b) A "permanent" workman is a workman who has' beemengaged 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) or involuntary closure Of the establi- shment. l. Sub..by S. O. 330 dated 12.3.1975. (c) A Yprobationer" is a workman who is provisionally employed to fill a permanent Vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be rever- ted to his old permanent post. (d) A "badli" is a workman who is appointed in the post of a perma- nent Workman or probationer who is temporarily absent. (e) A "temporary" workman is a workman who has been engaged for work yhich is of an essentially temporary nature likely to be finishgd withiD 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. IVA. Recruitment Of workmen—All Vacancies will be notified to the local Employment Exchange and all recruitments be normally made from amongst the candidates sponsored by the Employment Exchange. Other sources of recruitment may be tried only when the local Employynent Exchange gives a non-availabi!ity certificate.] While making recruitments, preference shall be given as under— (i) Ex-employees with good record ; (ii) Near relatives of emp!oyecs ; (iii)v People of the locality ; and (iv) People of the State. The preference in respeet of relations will, however, be limited to Only one near relation of an employee and that too in respect of such employees as have put in a sufficiently long term of service in the establishment. Similarly, in respect of ex-employees the preference will be restricted to persons with a certain minimum period of total service in the establishment say about one year.] 3. Tickets.—EVery workman shall be given a permanent ticket-unless he is a probationer, badli, temporary worker or apprentice. (2) Every workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any per- son authorised by the manager to inspect it' (3) Every t?adli 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 0m which he has worked in the establishment, 1. Ing. by G. WR. 29.dated Bihar Industrial Employment (S. O.) Rules, 1947 [Appx. A (6) Every apprentice shall be provided with an 'apprentice' "rd, which shall be surrendered if he obtains permane. t 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 the principal languages of workman employed in the establishment on notice boards main- tained at or near the main entrance of the establishment and at the timekeeper's omce if any. ICWhere such a notice pertains to a particular department Or depart• ments Of the establishment, it shall also be displayed in the departmcnt concerned.] 5. Publication of holidays and pays.—N0tices specifying (a) the days observed the establishment as holidays and (b) pay days shall be posted on the said n tice boards. 6 Publication Of wage rates.—NoGces specifying the rates Of wages payab e to all classes of workman and for all classes of work shall be displayed on the said notice boards. Shift working.—M0re than one shift may be worked in a depart- ment Or departments or any section of department Of the establishment at the discretion of the employer. If more than one shift is worked, the work- men shall be liable to be transferred from one shift to another. No shift wor- king shall be discontinued without two month's notice being given in writing to the workmen prior to such discontinuance provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions ot the Industrial Disputes Act, 1947 (14 of 1947), and the rules made thereunder. If shift working is restarted, the work- men shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.] EMPLOYMENT STANDING ORDERS RULES '[IA. Notice of change in shift working.—Any notice of discontinuance or restarting of a shift working required by model standing order No. 7 shall be in

Form VII appended to these rules and shall be served in the manner hereinafter specified. The notice shall be displayed conspicuosly by employer on a noLice board at Lhe main entrance to the establishment and in manager's offce : 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 ot Wages Act, 1936

1. Ins.by S. O. 830 12.3.1975. 2. gubs. by notifn. dated 21.5.19d0. 3 Ins. by n-tifn no t 15 Bihar Industrial Employment (S. O.) Rules, 1947 Åppx. A] 9. Holidays with pay will be allowed as provided for in Chapt r IVA of the Factories Act, 1948, and other holidays in accordance with law, contract, custom and usage, In case of sickness a permanent workman shall be granted sick leave with full pay up to 15 days or 30 days with half pay in one calender year. Application for leave should be duly supported with medical certifieate from the management's Medical Offcer and where there is no such officer at the place where the worker falls sick, from a registered Medical Practiti- oner. In case of doubt the management may require the worker to be exami- ned by the Company'S Medical Omcer whose certificate above will be treated as final : Provided that this provision shall not apply where sickness benefits are available under the Employees Slate Insurance Act, i94S (Act 34 of 1948). Extra-ordinary leave with or without pay may, at the discretion of the manage- ment in special circumstances, be granted to a workman when no other leave Of any kind is due. A record shall be maintained of all leave of absence which are sancti- oned, refused or postponed and reasons for refusal or postponement shall in every cese, be entered therein. The record shall be open for inspection by the workman concerned. J (3) A workman who desires to obtain leave of absence shall apply to the manager who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused Or postponed, the fact of such refusal or postponement and Lhe reasons therefor, shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, Copy of she entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof he shall apply to the manager who shall send a written reply either or refusing extension of leave of 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. (4) If the Workman remains absent beyond the period Of leave Origi• nally granted or subsequemly extended, he shall lose his lien on his appoint• ment unles he (a) returns Within 8 days Of the expiry ot the leave and (b) explains to the Satisfaction Of the manager his inability rc 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. IO. Casual Workmtn may be granted Casual leave Of absence fora period not exceeding 10 days in Lhe aggregate in calendar year out Of which at least 5 days must be With full pay.] Such leave shall not be for more than three days at a time except in case of sickness. Ordinarily, the Re Vious permission of the head of the department in the establishment sh 1. tn,.byS. O. 380 dated gub-par-a, (2) & (8m0d. (A) (4) g, ibid. r Appx. Å Bihar Industrial Employment (S. O.) Rules, 1947 16] obtained before such leave is taken, 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. i[Holidays decla- red by 'he establishment and weekly holidays may be prefixed or suffixed, as the case may be, to casual leave.] 11. Payment of wages.—'l) Any wages, due to the workman but not paid On the usual pay day on account of their being unclaimed shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice boards as aforesaid. (2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wages period in respect of which the w es are payable, according as the total number of workman empl yed in e establishment does not or does exceed One thousand. . Stoppage of The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power Sup- ply, epidemics, commotion or other cause beyond his control, stop any sections of the establishment, wholly or partially for any period or periods without notice. (2) In the event of such stoppage durin\ working hours, the workmen affected shall be notified by notices put upon t e notice boards in the depart- ment concerned, or at the Offce 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 workman shall not ordinaril be required to remain for more than

two hours after the commencement of tle stoppage. If the period of detention does not exceed one hour the Workmen so detained shall not be aid for the period of detention. If the period of detention exceed one hour, t e 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 case of piece-rate wore kers 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 stop- pages. Wherever practicable, reasonable notice shall be given Of resumptiOn Of normal work. (3) rn 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 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 01 department of the establishment close down either Wholly or partially such section or department and any other section or depa- ftment affected by such closing down. The fact Of such closure shall be noti- fied by notice put on the notice boards in the section or department concern- ed 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. Added by S. O. 330 dated Bihar industrial Empioyment (S. O.) Rules, 1949 Åppx. Å j 13. Terminatioa of For terminating employment of a permanent workman notice in writing shall be given either by the employer •or the workman—one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen : one month's or two weeks' pay, as the case may be paid in lieu Of notice. (2) No temporary workman whether monthly-rated, weekly rated or piece-rated and no probationer or badli shall be entitled to any notice or pay lieu thereof, if his services are terminated, but the services ofa temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the ch,trges of misconduct alleged against him in the manner prescribed in paragraph 14. (3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated. A workman guilty of misc— onduct may be (a) warned Or censiif€d Or (b) fined subject to and in accord- ance with the provisions of the Payment of Wages Act, 1936, or (c) suspen- ded by the manager for a period not exceeding IO days or (d) stopped from earning his increment for a specified period or (2) The following acts and omission shall be treated as misconduct (a) Wilful insubordination or disobedience, whether alone or in com- bination with others, to any lawful and reasonable order of a superior ; (b) theft, fraud, or dishonesV in connection with theanployet'g busi• ness or property; (e) 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 IO days ; (f) habitual late attendance ; (g) habitual breach Of any law applicable to the establishment ; (h) tiotious or any aet subversive of discipline ; (i) habitual negligence or neglect of Work ; (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum Of 2 per Cent Of the wages in a month ; (k) striking work or inciting others to strike work in comravention of the provisions Of any law; or rule having the force Of law; smoking in prohibited places ; (m) sleeping While on duty ; i. gubs. by S. O. 330 dated 12.3.1975. sub-pans (3) e) re.numb•rod (b) to (l) b' ibid. 18] Bihar Industrial Employment (S. O.) Rules, 1947 (n) deliberate slowing down of work; Åpp*. Å (o) conviction in any court Of law for an offence involving moral turpitude ; (p) giving false information in writing regarding One's age, fathéris name, qualification or previous service at the time of employ- ment ; and (q) threatening, abusing or assaulting any superior or co-worker in- side the establishment premiSes.] No order of punishment shall be made unless tile Woikhlah eon- cerned is informed in writing Of the alleged misconduct, gross negligence Or inemciency and has been given an opportunity to explain the •circumstances alleged against him. On receipt Of the explanation or if no explanation is recei- Ved, the employer shall proceed to make enquiries and take such evidence as may be necessary to prove the allegations against the charged Work man. The workman concerned, if he so desires, will have the right to cross-examine, whether himself or through another employee of the establishment, the witness produced against him and to produce the evidence in his defence. If on Consi- deration of all the evidence produced during the enquiry the employer finds the workman guilty and decides to punish the workman he Shal] pass final Order accordingly and a copy of the order shall contain the Particulars of Lhe charge, the workmen's plea, the Enquiring Omcer's report and the grounds on Which

the proposed punishment is being given.] (a) Where allegations of misconduct are made against a workman and the employer considers that he should be suspended from duty pending enquiry imo such allegations, he may do so by serving on the workman an Order in writing to that effect. Such an order shall take effect immediately on its delivery to the workman. It shall be accompanied by a chargesheet setting Out the detaiis of the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. The proce• dure laid down in sub-paragraph (3) above shall then be followed. Refusal to take copies of the suspension order and charge-sheet iii the presence Of two independent witnesses will amount to proper service Of the suspension order along With the Charge sheet. (b) A workman Who is placed under stispension Shall during the period Of suspension be paid subsistence allowance at the following rates, namely The subsistence allowance for the first 90 days froiil the date Of suspen- Sion Shall be equal to one-half of the basic wages, dearness allowance and other compensatory allowances to which a workman Would have 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 90 days the subsistence ellowanee shall for such period be equal to three-fourth of such basic wages, dearness allowance and Other compensatory allowances : Provided that where such enquiry is prolonged beyond the period Of 90 days for reasons directly attributable to the workman, the subsistence allow• ance shall for the poriod exceeding 90 days, be reduced to o e•fourth of such basic wages, dearness allowance and Other compensatory allowances. 0.830 dated C 19 Bihar Industrial Employment (S. O.) Rules 1947 Appx.] (c) If on enquiry, the workman is found guilty of the charge, the emp. loyer shall pass such final orders as he may consider necessary to meet the ends of Justice. Keeping in View the gravity of the offence such final order will also specify the extent to which the workman shall be entitled to receive any remuneration for such period, but the subsistence allowance already paid Or payable to him for such p-•riod shall not be recovered or withheld. The final order so passed must specify the period of suspension for which no pay will be ygmissible, otherwise the workman shall be entitled to the full wages which he would have received if he had not been suspended : Provided that in the case of a workman to whom the provisions of Clause (2) of Article 311 of the Constitution Of India applies, provisions of the Arti- cle shall be complied with. Without the approval there no Manager, hplbyer. The workmail may appeal against dismissal Or disch; arge toe nextbighei _ au therity the management or to the gase the order Of dismissal or discharge is passed by the manager pf chg establishment, the appeal against the order shall be be- (ore the next higher authority in tme mana ement' mmittée -establishment, (d) If on enquiry the. workrpan is found not guilty of the charge he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages he would have received if he had not been spspende#, after deducting the subsistence allowance paid to him for such perlöd.-] (5) In awarding punishment under this standing order, the manager shall take into account the gravity Of the misconduct, the previous record, if any, ot the yorkman and any other extenuating or aggravating circumstances thåt• may exist. A copy of the order passed by the manager shall be supplied to the concerned

15. Complaints.—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the em- ployer or his agent, shall be submitted to the manager or Other person speci- fied in this behalf with the right Of appeal to 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 per- sonally be held responsible for the proper and faithful Observance Of the stand- ing orders

18. Exhibition of standing order.—A copy of these orders in English and in Hindi or Urdu shall be pasted at the manager's offce and on a notice board maintained at or near the main entrance to the establishment and be kept in a legible condition. 20 J Bihar Industrial Employment (S. O.) Rule, 1947

FORM 1 Application Form for submitting Standing Orders (See Rule 3) Form I Forms IA-IB j Designatfpn occupation 1 bihar Industrial•Emp10yment (S. O.) Rules, 1947 VORM Particulars of the Workntå. t 21 Name Of the industrial establishment/group of employers, if any [See Rule 3] Number of employee. Basic wages. To, Dear Sir, Dated The Certifying Offcer, Industrial Employment (Standing Orders) Act, 19 Offce of the Commissioner of Labour and Employment, Bihar, Patna. Nature work. 2 3 4 .2 5 6, 7 8 9 Under the provisions of section 3 of the Industrial Employmenf (Standing Orders) Act, 1946, I enclose five copies of the draft standing orders proposed on behalf of and for adoption in the following industrial establishment/establis- hments. The establishments have not separately submitted other draft standing orders individually or jointly through some group ofaEmployers. Provision has been made in the draft standing orders for every matter in the Schedule which is applicable to the industrial establishinent/establi- shments. Statement giving prescribed particulars of the workmen employed in each industrial establishment and the names of the trade unions iLi forms IA and 1B (11 and IIA) are also enclosed. Yours faithfully, (Signature) (Designation) Signatüre....,, Designation.,, Map FORM 1B Particulars of the Trade Unions of the Workmen. [See Rule 3] Name Of Industrial Establishment... Address 2 3 Wheth recogni- by th ployer 4 Name and address Of the Presi- dent. 5 Name and address of the secre- i_ary. 6 Signature...." Designation... 22 Seriel no. 1 List Namf Of the in- dustræal establiz shments form- ing tb€ group, 2 Rule 6 Name and de- Classification Si$natiOn of the Address To 'Alployer. 3 Bihar industrial (S. O.) kuies, 1942 FORM 111 Notice (jmce of the Certifying Offcer, Bihar, Patna. The Gener- Secretary. The President, Workers' Committee (Formed uhdei Rule J indystry, 4 if the is Signature... . Designation... A Of the draft Staiidiiig Oidérs framed and Submitted bj... . ...for certification is enclosed for needful. This Of draft Standing Orders swotjld be returned to the Undersigned Within 15 days froin the date Of the receipt Of thie notice by you, together With any objectionS or Objeetions which the workmen desire to rirake therein. Herein pleasé fill up Given this... my hand and seal Of the ...day of... (A separate Sheet Of paper nay be used, Dated the... 19 FORM IV eertifrate of Stand&tg t kule Name and addresS of employers, if any Name and address Of industrial establishment (s) Name and address Of Trade Union (s) of the representåiiVeS Of workers. 19 ...under Certifying omeer. of i9 Dec(aration p ebi4e by tke subnutted a group. o/ pories on behalf oi Mesery.. Aésociation Grpup of facpries ••• and dæigqgtion)... ...a the..•. do hereby geclare that the provi$ons of the joint draft Standing Orders append?d hereto are accept*ble to and binding on me. Signature... Manayer(Occupier 0! It is hereby declar Lhat e Standing. Orders, governing the Conditions ve been declared Ori the... Of employment in . , ...day to be certified Standing Orders under the Industrial Employlhent (Standin; Orders) Act, i940, Dated, Patna : The... ... ...19 Certifying Ofcer, Bihar. Appellate Authority, Bihar, Eco C : z EZE ot 61 (11 aas) Sugpwts Jo nuoa