

THE MEGHALAYA INDUSTRIAL EMPLOYMENT (STANDING ORDERS) RULES

*[As adapted from the Assam Industrial Employment (Standing Orders) Rules, 1947
vide the Meghalaya Adaptation of Laws Order (No.1) 1974]*

1. (1) These rules may be called "The Meghalaya Industrial Employment (Standing Orders) Rules".
(2) They extend to industrial establishments in Meghalaya.
2. In these rules-
 - (a) " the Act" means the Industrial Employment (Standing Orders) Act, 1946;
 - (b) "Form" means a form set out in Schedule III appended to these rules;
 - (c) "Section" means a section of the Industrial Employment (Standing Orders) Act, 1946;
 - (d) "Rules" means a rule of the Meghalaya Industrial Employment (Standing Orders) Rules.
3. The model standing orders for the purposes of plantations shall be those set out in Schedule I and those for other industrial establishments as set out in Schedule II.
4. (a) In the draft Standing Orders to be submitted by an employer under Section 3, particulars of the workmen employed in the industrial establishment and of the trade union, if any, to which these workmen belong, shall be given in Forms "B" and "C" respectively. An application for registration of Standing Orders shall be made in Form F;
(b) A statement in Form "A" showing the prescribed particulars detailed in the Schedule (i.e. matters required to be provided for in the Standing Orders) which may be applicable to the Industrial establishment and the reference to the paragraph or clause of the Standing Orders where such particulars have been provided for, shall also accompany the draft Standing Orders.
5. A group of employers in similar industrial establishments desirous of submitting joint draft Standing Orders shall through a person authorised in this behalf by the group or their association if any-
 - (i) submit a list of employers constitutions the group with the name and address in full of each establishment;
 - (ii) submit a declaration signed by each of the employers forming the group that they will abide by the conditions laid down in the draft Standing Orders submitted by the group;
 - (iii) submit separate statements in Forms "B" and "C" in respect of each establishment; and
 - (iv) as soon as any particular industrial establishment leaves the group the authorised person or the association related to above shall notify the fact to the Certifying Officer within seven days from the day on which the industrial establishment leaves the group. Such industrial establishment shall continue to be governed by the group Standing Orders already certified, until such time

as it submits separate draft Standing Orders of its own to the Certifying Officer and these are duly certified.

6. When a new industrial establishment joins a group of industrial establishment formed in accordance with the procedure laid down in Rule 3, it shall be governed by the Standing Orders of the group it joins and it shall notify the fact to the Certifying Officer.

7.
 - (i) On receipt of the draft Standing Orders the Certifying Officer shall forward as soon as possible, not later than three months from the date of its receipt, a copy thereof by registered post with acknowledgement due together with a notice in Form "D" to the trade union or trade unions named by the employer or employers or to any other trade union or unions which may be known to the Certifying Officer as concerned with the establishment or establishments to which the draft Standing Orders relate, and where there is no such trade union to the representative or representatives of the workmen as defined in sub-rule (ii) below, [the draft Standing Orders shall also be published in the official Gazette for general information along with a notice in Form D];
 - (ii) The representative or representatives of the workmen of an industrial establishment, where there is no trade union to represent such workmen, shall be the person or persons (numbering not more than five) elected by the workmen in a meeting specially called for the purpose by the Certifying Officer;
 - (iii) The trade union or the representative or representatives of the workmen of an industrial establishment may submit objections to the draft Standing Orders of the Certifying Officer in triplicate. The Certifying Officer shall besides following the procedure laid down in sub-section (2) of Section 5 of the Act call for a written statement from the employer or employers setting out his or their views on the objections and after hearing the parties, if necessary, shall make an order in writing as to whether, or not any modification of or addition to the draft Standing Orders submitted by the employer or employers is necessary;
 - (iv) The Certifying Officer shall thereon certify the draft Standing Orders after making modifications of or addition to the draft Standing Orders, if any, which his order under sub-section (2) of Section 5 may require and shall within seven days thereafter send by registered post with acknowledgement due a copy each of the certified Standing Orders to the employer and the trade union or the prescribed representative or representatives of the workmen-together with a copy of his order under sub-section (2) of Section 5, written on one side of the paper duly attested and authenticated with the seal of the Certifying Officer on each page of the Standing Orders. Any corrections made therein shall be attested by the initials of the Certifying Officer.

8.
 - (i) The appropriate Government may prescribe additional matters to be included in the Schedule;
 - (ii) On such additional matters being included in the Schedule and the fact notified in the Official Gazette industrial establishments coming within the operation of the Act shall submit draft Standing Orders in respect of the additional matters to the Certifying Officer in the manner prescribed in Section 3 of the Act. The Certifying Officer shall, on receipt of the draft, proceed in the manner laid down in Rule 7.

9. The appellate authority shall, on an appeal being preferred to him against the order of the Certifying Officer confirming or modifying the draft Standing Orders, or adding thereto, give notice of the appeal to the Certifying Officer, the industrial establishment and trade union or the prescribed representative of workmen concerned stating the date, place and time at which he intends to hear the appeal and shall give reasonable opportunity to the Certifying Officer and the parties for being heard in person or through their legal representative before he passes an order on the appeal.
10. Where as a result of appeal under Section 6 the Appellate Authority passes an order in writing amending the said Standing Orders it shall within seven days of the date of such order send copies thereof by registered post with acknowledgement due to the Certifying Officer, the employer and the trade union or the prescribed representative of the workmen accompanied, unless it (Appellate Authority) has confirmed without amendment the Standing Orders as certified by the Certifying Officer, by copies of the Standing Orders as certified by it and duly authenticated with the seal and signature of the Appellate Authority on each page of the Standing Orders certified by it.
11. The Certifying Officer shall maintain a register in Form "E" in which all Standing Orders as finally certified under the Act shall be filed. He shall furnish a copy thereof to any person applying therefore on payment of a fee of twelve annas for the first two hundred words or less and six annas for every additional one hundred words or fraction thereof.
12. When a notice is served on the Certifying Officer under Rule 9 he may, if he so desires, depute one of his officers to represent him at the hearing of the appeal.

SCHEDULE-I

Model Standing Orders for Plantations and Factories therein

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

1. Classification of Workers

In these orders unless there is anything repugnant in the subject or context,-

- (a) A permanent worker is one who resides upon the tea estate and whose name is entered in the estate roll of workers and includes any person who has completed a probationary period of ... months in the same or any other occupation in the industrial establishment, including breaks due to sickness, accident, leave, lockout, strike (not illegal strike) or involuntary closure of the establishment;
- (b) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed months' service therein;
- (c) An "Outside worker" is one who resides outside the estate but whose name is entered on the estate roll of workers; provided that one who is a regular and whole-time worker shall not be deemed to be an outside worker for the purposes of standing order 9(b).

- (d) A "temporary worker" is a worker who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period;
- (e) "Learner" is a worker who is employed on probation by the manager and who may be paid a nominal wage during his period of training.

2. Manner of intimating to Workmen periods and hours of work, holidays, pay days and wage rates

(a) *Periods and hours of work*— For those workers who are employed at regular and fixed hours, the periods and hours of work shall be pasted on a notice board at the Office and/or Factory.

For other workers the periods and hours of work shall be intimated by authorised persons either verbally or by signal (siren, gong, bell, *etc.*) according to the usage of the estate.

(b) *Holidays and pay days*—

Notices specifying,-

(i) the days observed by the estate as holidays,

(ii) pay days,

shall be prominently displayed at the Office and/or "Factory".

(c) *Wage Rates*— A notice setting out the wage rates of classes of workers who are engaged on daily, weekly, fortnightly or monthly wages shall be displayed prominently at the manager's office and a notice board maintained at or near the entrance to the establishment.

3. Payment of Wages

(1) *India's Order 11*— Any wages, due to the workmen 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 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.

4. Working hours in Factories

Working hours in the Factory shall be regulated in accordance with the Factories Act, 1934.

5. Attendance and late coming

(a) All workers who have not been granted leave by an authorised person or certified as sick by an authorised member of the medical stall, shall be at work at the time indicated in the manner prescribed in clause 2(a).

(b) If any worker arrives more than half-an-hour after the stipulated time without sufficient reason he shall be liable to be refused work for that day, or in the case of workers paid on a daily or hourly basis, a deduction may be made from wages proportionate to the time absent according to

the provisions of the Payment of Wages Act.

- (c) Deductions from wages for absence without leave during working hours may also be made in accordance with the provisions of the Payment of Wages Act.

6. Conditions of procedure in applying for, and the authority which may grant leave and holidays

- (a) Any worker who wishes to obtain leave shall apply to the manager or his authorised representative who shall issue orders on the application within a week of submission of the application for leave or two days prior to the commencement of the leave applied for whichever is earlier, provided that if the leave is to commence on the date of application or within three days thereof, the order shall be passed on the same day. If the leave applied for is refused or postponed, the fact of such refusal or postponement and the reasons therefore 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;
- (b) If any worker remains absent in excess of leave period granted, he shall be treated as absent without leave unless he shall on his return be able to give to the Management a satisfactory reason for his absence;
- (c) Absence without leave shall render a worker liable to fine in accordance with the provisions of the Payment of Wages Act. Repeated offences shall render a worker liable to reduction to a lower grade or to dismissal;
- (d) The Manager or his authorised representative shall be the authority which may grant the leave;
- (e) The number of holidays to be granted and the days which shall be observed as holidays by the estate shall be regulated in accordance with the Factories Act and Rules and the custom or usage of the estate.

7. Requirement to enter premises by certain gates and liability to search

- (a) No worker shall enter or leave the factory premises except by the entrance appointed for the purpose;
- (b) The Manager may by writing or printed notification posted at the office and/or Factory, debar any worker, workers or class of workers from entering any prescribed part or parts of the Factory, Office Hospital or Bungalow premises;
- (c) Factory gates may be kept closed during working hours at the discretion of the Management and any workers must not leave the premises during working hours without permission;
- (d) All workers shall be liable on entering or leaving the Factory to be detained for search by any authorised person who may, acting without malice, suspect that the worker so detained is in wrongful possession of property belonging to the Company or prejudicial to the security of the premises. Provided that no worker shall be searched except by a person of his or her own sex and in the presence of another person of his or her own sex.

8. Closing and re-opening of sections of the industrial establishment, and temporary stoppages of work, and the

rights and liabilities of the employer and workman arising therefrom

(a) (i) The Manager may at any time in the event of fire, catastrophe, breakdown of machinery, stoppage of power or supply, epidemic, civil commotion, strike, extreme climatic conditions or other cause beyond his control, close down either the factory or field work or both without notice and without compensation in lieu of notice;

(ii) In the event of such stoppages during working hours, the workmen affected shall be notified by notices put upon the notice board in the office and/or factory, 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 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 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 shall be admissible in case of such stoppages. Whenever practicable, reasonable notice shall be given of resumption of normal work;

(iii) In case 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;

(b) When either factory or field work has been closed down for any of the above reasons, the Manager shall order resumption of work as soon as possible, after the cause of stoppage has ceased to exist or as soon as is otherwise practicable provided that it appears to the Manager that a sufficient number of workers are present and willing to resume.

9. Termination of employment and notice thereof to be given by the employer and workmen

Notice of termination of employment, whether by Manager or by worker, shall be given equal to the wage-period of the worker concerned:

Provided that-

- (a) the Manager may in his discretion terminate the employment of a worker forthwith and pay his wages for the wage-period (equivalent to his average earnings over the preceding period of three months) in lieu of notice;
- (b) Notice of termination of employment shall be necessary only in case of permanent workers and not in the case of outside or temporary workers except in so far as is laid down in any agreement entered into between the Manager and such outside or temporary workers;
- (c) the Manager may dismiss without notice any worker who is guilty of misconduct;
- (d) Where the employment of any worker is terminated the wages earned by

him and other dues, if any, shall be paid before the expiry of the second working day on which his employment is terminated.

10. Acts or omissions which constitute misconduct

(a) The management reserves the right to dismiss any worker without notice and without wages in lieu of notice for any gross misconduct. The following acts and omissions shall constitute gross misconduct :

- (1) Willful insubordination or disobedience, whether alone or in combination with another, or others of any lawful and reasonable order of a superior;
- (2) Theft, fraud or dishonesty in connection with the company's business or property;
- (3) Taking, giving, offering or soliciting bribes or any illegal gratification whatsoever;
- (4) Habitual absenteeism without leave;
- (5) Habitual late attendance;
- (6) Collection of money within the estate for purposes not sanctioned by the management;
- (7) Riotous conduct;
- (8) Inciting others to disturbance or violence;
- (9) Smoking on the Factory premises;
- (10) Habitual breach of rules or instructions for the maintenance and running of any department or the maintenance of cleanliness of any portion of the estate premises or factory compound;
- (11) Willful destruction of or damage to garden property;
- (12) Repeated disregard of safety rules in factory.

(b) The Manager reserves the right to fine any worker for the following offences to the extent permitted by the Payment of Wages Act.

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11. Means of redress for workers against unfair treatment or wrongful exactions by the employer or his agents or his servants

The Manager will be liable personally to receive complaints from any worker who feels himself aggrieved owing to alleged unfair treatment, wrongful exactions, withholding dues etc. In the event of a worker not being satisfied with the adjudication of the Manager, the worker shall be at liberty to represent the grievances to the Labour Commissioner, Meghalaya.

12. Sickness, sick leave, payment of sick and attendance allowance and maternity leave and benefits

- (a) Any worker who is sick or injured shall report personally or by message to the Medical Officer or his representative at the Hospital of Dispensary;
- (b) Any worker who is sick or convalescent shall be granted sick leave against certification by the Medical Officer or his representative;

- (c) Any worker who is certified as sick or convalescent and unable to work shall be entitled to such rates of sick 'pay' as the estate may have laid down subject also to such qualifying period before commencement of payment as the Manager may lay down;
- (d) Should the Medical Officer or his representative certify that an attendant or attendants are required for care of a sick worker, attendant or attendants shall be paid at such rates as the estate may have laid down;
- (e) Maternity leave and benefits shall be granted on a scale not lower than those provided for under the Assam Maternity Benefit Act, 1945.

13. Housing, Accommodation and Land for cultivation

- (a) Permanent workers and their immediate dependants shall be entitled to occupy rent-free quarters provided by the estate during the period of and as an incident to their employment by the Manager;
- (b) Workers may be permitted during the period of and as an incident to their employment to cultivate land belonging to the estate on such terms for under such lease, permit or licence as the Manager shall lay down.

14. Liability of Manager

The Manager of the estate shall personally be held responsible for the proper and faithful observance of the Standing Orders.

15. 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 entrance to the establishment and shall be kept in a legible condition.

SCHEDULE-II

Model Standing Orders for other Industrial Establishments

1. These orders shall come into force on
2. **Classification of workmen**—(a) Workmen shall be classified as—
 - (1) permanent,
 - (2) probationers,
 - (3) badlis,
 - (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, lockout, 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 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 reverted to his old 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 is a 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.

3. Tickets— (1) Every workman shall be given a permanent ticket unless he is a probationers, 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 workmen 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 be transferred 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 discontinuance of the shift, no permanent of 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 restarted, a week's notice thereof shall be given by posting a notice at the main entrance to the establishment and the time-keeper'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 restarting 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.

- 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.
- 9. Leave**— (1) Holidays with pay shall be allowed as provided for in Chapter IVA of the Factories Act, 1934, where it applies. Besides this religious and other holidays with or without pay may be allowed 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 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 the reasons therefore 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 who shall send a written reply either granting or refusing the extension of leave to the workman to the address which the workman must leave behind with the employer 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. 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 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 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 hours 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 all 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 employ- ment of a permanent workman, notice in writing shall be given either be 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 workmen whether monthly-rated, weekly- rated or piece-rated and no probationer or badli 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 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.

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

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Note- Specify the acts and omissions which the employer may notify with the previous approval of the.....Government or of the prescribed authority in pursuance of Sections 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) willful in subordination 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 employers' business or property,
 - (c) willful 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 any law applicable to the establishment,
 - (h) riotous or disorderly behaviour during working hours at 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,
 - (k) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.

1["(4) (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the 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 such from date as may be specified in the order. A statement setting out in detail the reasons for suspension shall be supplied to the workmen within a week from the date of suspension.

- (b) A workman who is placed under suspension under clause (a) shall, during the period of such 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 were 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 allowance.

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 proceedings is prolonged beyond 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 enquiry 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 on 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 an 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 enquiry or 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 enquiry 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 allowances 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."]¹

- (5) In awarding punishment under this standing order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workmen 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 those 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.

SCHEDULE-III

FORM A

[Form referred to in Rule 4(b) of the Meghalaya Industrial Employment (Standing Orders – Establishment other than Plantations) Rules]

Matters which shall be provided for in the Standing Orders	Reference to the paragraph or clause of the Standing Orders where Provided
1	2

1. Classification of workmen, *e.g.*, whether permanent, temporary, apprentice, probationers, or badlis.
2. Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
3. Shift working.
4. Attendance and late coming.
5. Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
6. Requirement to enter, premises by certain gates and liability to search.
7. Closing and re-opening of sections of industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and workmen arising therefrom.
8. Termination of employment, and the notice thereof to be given by employer and workmen.
9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
10. Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants.
11. Any other matter which may be prescribed.

FORM B

[Particulars of workmen referred to in Rule 4 of the Meghalaya Industrial Employment (Standing Orders-Establishment other than Plantations) Rules]

Total number of workmen employed	Number of permanent workmen	Number of temporary workmen	Number of badlis or substitutes	Number of probationers	Number of apprentices	Remarks

FORM C

[Particulars of Trade Unions referred to in rule 14 of the Meghalaya Industrial Employment (Standing Orders- Establishment other than Plantations) Rules]

Name of trade Union which represent the workmen	Address in full	Approximate Number of workmen it claims to represent	Whether recognised by the employer	Remarks

FORM D

Form of notice under Rule 17(i) of the Meghalaya Industrial Employment (Standing Orders) Rules

OFFICE OF THE CERTIFYING OFFICER, MEGHALAYA
P.O. SHILLONG

No.

Dated Shillong, the..... 19.

I,, Certifying Officer, Meghalaya, forward herewith a copy of the draft Standing Orders proposed by the employer for adoption in theindustrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objection which the workmen may desire to make to the draft Standing Orders should be submitted to me within fifteen days from the receipt of this notice.

Certifying Officer and Labour Commissioner, Meghalaya.

To,

The Secretary.....Union.

Representatives elected under
Rule 7 (ii).

Name
Occupation.....
Address.....

FORM E

Register of Standing Orders

Serial No.	Date of the despatch of the copy of Standing Orders authenticated under section 5 for 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	Any notice subsequently given or received of any amendment	Result

FORM F
[Industrial Employment (Standing Orders Section 2)

Dated..... 19...

To,

The Certifying Officer, Meghalaya, Shillong

Sir,

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)

..... an industrial
(Place) (Postal address)

establishment owned/controlled by me, with the request that these orders may be certified under the terms of the Act. I also enclose statements giving the particulars prescribed in Rule 3 of the Assam Industrial Employment (Standing Orders) Rules, 1947.

I am, etc.

.....
(Signature)

Employer

.....
Manager