



**The Industrial Employment (Standing Orders) (Karnataka Amendment) Act,
2005**

Act 12 of 2014

Keyword(s):

Standing Order, Industrial Establishment

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KARNATAKA ACT NO. 12 OF 2014
THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(KARNATAKA AMENDMENT) ACT, 2005

Arrangement of Sections

Sections:

1. Short title and commencement
2. Substitution of section 3
3. Amendment of section 4
4. Amendment of section 5
5. Amendment of section 7
6. Amendment of section 8
7. Amendment of section 9
8. Amendment of section 10
9. Amendment of section 12
10. Amendment of section 12A
11. Amendment of section 13
12. Amendment of section 13-A

STATEMENT OF OBJECTS AND REASONS

Amending Act 12 of 2014.- The object of the Act is to provide and regulate the service conditions of employment in industrial establishments on the matters enumerated in the Schedule. At present, the employers to whom the Act is applicable will have to prepare the Draft Standing Orders and submit to the Certifying Officers within five months from the date of the applicability of the Act. In the light of experience gained in its actual working, it is observed that the procedure of certification is prolonged and protracted. As a result, the relation between the employer and workmen in matters connected with the conditions of employment of workmen is not properly regulated. Further, in order to allow self-certification by mutual consultation of the employer and employee, it may be desirable to provide for mutual discussion for adoption. It may also be necessary to provide for approaching the Certifying Officer for modifications only in case of any dispute or disagreement with regard to the adoption of any clause or matter set out in the schedule.

The amendments proposed in the Bill are mainly,-

1. to provide provisions for drafting standing orders by the employer and discuss with the trade union and if there is no Trade Union with the representatives of workmen before adoption.
2. to provide provisions for approaching the Certifying Officer only in case of any dispute or disagreement with regard to the adoption of any clause or matter set out in the schedule.

The Bill seeks to achieve the above objects and provide for self-certification of mutual agreement by the employer and workmen reserving the right of approaching the Certifying Officer in case of disagreement on any clause or matter of the proposed standing orders.

Hence, the Bill.

[L.A. Bill No.16 of 2005, File No. Samvyashae 20 Shasana 2004]

[Entry 24 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 12 OF 2014

(First published in the Karnataka Gazette Extra-ordinary on the twenty eighth day
of February, 2014)

**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(KARNATAKA AMENDMENT) ACT, 2005**

(Received the assent of the President on the Seventeenth day of February, 2014)

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) in its application to the State of Karnataka.

Whereas it is expedient further to amend the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) in its application to the State of Karnataka.

Be it enacted by the Karnataka State Legislature in the fifty sixth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Industrial Employment (Standing Orders) (Karnataka Amendment) Act, 2005.

(2) It shall come into force at once.

2. Substitution of section 3.- For section 3 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act), the following shall be substituted, namely:-

"3. Submission of Standing Orders.- (1) Within six months from the date on which the Industrial Employment (Standing Orders) (Karnataka Amendment) Act, 2005 becomes applicable to an industrial establishment, the employer shall prepare the Standing Orders proposed by him for adoption in his industrial establishment.

(2) The Standing Order prepared as required under sub-section (1) shall refer to every matter set out in the schedule which may be applicable to the Industrial establishment and where Model Standing Orders have been prescribed shall be so far as is practicable in conformity with such Model Standing Order.

(3) The Standing Orders so prepared shall be discussed with the Trade unions existing in the Industrial establishment or representatives of the workmen, before adoption and the employer providing proof thereof:

Provided no Standing Order adopted under this sub-section shall be effective unless a copy thereof as adopted is sent to the Certifying Officer by Registered Post Acknowledgement due and the acknowledgement therefor is received and filed.

(4) If there is no dispute with regard to the clauses and matters set out in the Standing Orders drafted by the employer of the Industrial Establishment, then it shall be adopted in the Industrial Establishment as if it is certified under this Act and a copy thereof shall be sent immediately to the Certifying Authority by Registered Post Acknowledgement Due.

(5) If there is any dispute or disagreement with regard to the adoption of any clause or matter set out in the schedule between the employer and the Trade Union or workmen representatives, then such Standing Orders drafted by the employer shall be submitted to the Certifying Officer notified under the rules within thirty days from the date of dispute, for adoption in the Industrial establishment."

3. Amendment of section 4.- In section 4 of the principal Act, for the words "Standing Orders shall be certifiable", the words, brackets and figures "In the event of submitting the draft Standing Order under sub-section (5) of section 3, the Standing Orders shall be certifiable" shall be substituted.

4. Amendment of section 5.- In section 5 of the principal Act, in sub-section (1), for the word and the figure "section 3", the words, brackets and figure "sub-section (5) of section 3" shall be substituted.

5. Amendment of section 7.- Section 7 shall be renumbered as sub-section (2) thereof and before sub-section (2) as so renumbered, the following shall be inserted, namely:-

"(1) Standing Orders as adopted under sub-section (4) of section 3 shall come into operation on the expiry of 30 days from the date on which the employer and the trade union or workmen representatives agree to adopt the standing orders."

6. Amendment of section 8.- In section 8 of the principal Act, after the words "finally certified", the words "or adopted" shall be inserted.

7. Amendment of section 9.- In section 9 of the principal Act, after the words "finally certified", the words "or adopted" shall be inserted.

8. Amendment of section 10.- In section 10 of the principal Act,-

- (i) in sub-section (1), after the words "finally certified", the words "or adopted" shall be inserted;
- (ii) after sub-section (2), the following proviso shall be inserted, namely:-

"Provided that nothing in this sub-section shall be applicable in case of modifications mutually agreed by an employer, workmen or a trade union or other representative body of the workmen and such modifications shall be effected under sub-sections (3) and (4) of section 3.

9. Amendment of section 12.- In section 12 of the principal Act, after the words "finally certified", the words "or adopted" shall be inserted.

10. Amendment of section 12A.- In section 12A of the principal Act, after the words "finally certified", the words "or adopted" shall be inserted.

11. Amendment of section 13.- In section 13 of the principal Act,-

- (i) in sub-section (1), after the words and figure "Standing Orders as required by section 3", the words and figures "or who fails to adopt Standing Order as required by sub-section (4) of section 3" shall be inserted;
- (ii) in sub-section (2), after the words "finally certified", the words "or adopted" shall be inserted.

12. Amendment of section 13-A.- In section 13-A of the principal Act, after the words "Standing Orders Certified", the words "or adopted" shall be inserted.

By Order and in the name of the Governor of Karnataka,

S.B. GUNJIGAVI

Secretary to Government

Department of Parliamentary Affairs and Legislation