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KARNATAKA EMPLOYERS' ASSOCIATION

NO.74, 2nd FLOOR, SHANKARA ARCADE, VANIVILAS ROAD, BASAVANAGUDI
BENGALURU - 560 004
Reg. No. TU 507 / 20-3-1962

Date : 14-10-2016

CIRCULAR No.103/2016

To
All Members of the Association

Sub: Government of India Introduces the Category of Fixed Term Employment in Apparel Manufacturing Sector

1. The Government of India, Ministry of Labour and Employment, by Notification in the Gazette of India dated 7.10.2016 have amended the Industrial Employment (Standing Orders) (Central) Rules and inserted the Category of Fixed Term Employment to the Rules as well as to the Model Standing Orders prescribed under the Rules.
2. A copy of the Gazette of India No.717 dated 7.10.2016 is enclosed for the information of the Members. **These Amendments are applicable only to the Apparel Manufacturing Sectors and not to other Manufacturing Sectors.** Further, these Rules will be applicable to only those Apparel Manufacturing Sectors for which the Appropriate Government is the Central Government.
3. The Certified Standing Orders of the Establishment shall have to be got amended to include Fixed Term Employment in accordance with the Amended Provisions.

for KARNATAKA EMPLOYERS' ASSOCIATION

sd/-
(B.C. PRABHAKAR)
PRESIDENT



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 717]

नई दिल्ली, शुक्रवार, अक्टूबर 7, 2016/आश्विन 15, 1938

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NEW DELHI, FRIDAY, OCTOBER 7, 2016/ASVINA 15, 1938

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 7th October, 2016

G.S.R. 976(E).—Whereas certain draft rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946 were published, as required by sub-section (1) of section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), in the notification of the Ministry of Labour and Employment number G.S.R. 764(E) dated 4th August, 2016, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), for inviting objections and suggestions from all persons likely to be affected thereby on or before the expiry of a period of thirty days from the date of publication of the said notification in the Official Gazette;

And whereas copies of the said Gazette were made available to the public on the 4th August, 2016;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with clauses (a) and (b) of sub-section (2) of section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, namely:-

- (1) These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), in the Schedule, in item 1, after the word "*badlis*" occurring at the end, the words ", fixed term employment workmen in apparel manufacturing sector" shall be inserted.
- In the Industrial Employment (Standing Orders) Central Rules, 1946,-

- (a) in rule 5, after item (6) and the entries relating thereto, the following item shall be inserted, namely:-
(6A) Number of fixed term employment workmen in apparel manufacturing sector;”;
- (b) in Schedule 1,—
- (i) in paragraph 2,—
- (A) in sub-paragraph (a), after item (3) and the entry relating thereto, the following item and entries shall be inserted, namely:-
“(3A) fixed term employment workmen in apparel manufacturing sector”;
- (B) after sub-paragraph (g), the following sub-paragraph shall be inserted, namely:-
‘(h) A “fixed term employment workman in apparel manufacturing sector” is a workman who has been engaged on the basis of contract of employment for a fixed period. However, his working hours, wages, allowances and other benefits shall not be less than that of a permanent workman. He shall also 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.”;
- (ii) in paragraph 13, for sub-paragraph 2, the following sub-paragraph shall be substituted, namely:-
“(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly rated, weekly rated or piece rated, and no probationer or badli or fixed term employment workman in apparel manufacturing sector, as a result of non-renewal of contract or employment or on its expiry, shall be entitled to any notice or pay *in lieu* thereof, if his services are terminated:

Provided that 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.”

[F. No. S-12011/1/2016-IR(PL)]

RAJEEV ARORA, Jt. Secy.

Note : The principal rules were published in the Gazette of India vide notification number LR 11 (37), dated the 18th December, 1946 and were lastly amended by notification number G.S.R.655(E), dated the 10th October, 2007 and corrigendum notification number G.S.R. 708(E), dated the 13th November, 2007.