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Research Conclusions And Generalizations On Implementation Of The Factories Act, 1948 And The Industrial Employment (Standing Orders) Act 1946 In Iron Foundries And Engineering Industries Of U.P., India.

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Abstract:

A number of labour laws have been promulgated by the Union and State Governments in India to safeguard and protect the interests of industrial workers. The Factories Act, 1948 regulates the working conditions in factories and provides for health, safety and welfare measures. The Industrial Employment (Standing Orders) Act, 1946 was enacted to regulate the conditions of service, recruitment, discharge, disciplinary proceedings, pay days, holidays, leave etc. in industrial establishments. This research is a survey study carried out in 100 factories (57 iron foundries and 43 engineering establishments) of Agra, Mathura, Firozabad, and Mainpuri districts of Agra Division of Uttar Pradesh. 500 workers were also interviewed. Observation Schedule, Interview Schedule and Interview Guide were used to collect information and facts on implementation of the Factories Act, 1948 and the Industrial Employment (Standing Orders) Act, 1946 at the plant level. This research paper presents the conclusions of this research on both of the above Acts and generalizations based on empirical and logical findings.

KEY WORDS:

Implementation; Labour Laws; Health; Safety; Welfare; Standing Orders.

INTRODUCTION

The object of a labour policy ought to be humanitarian, economic as well as civic. Humanitarian-because it aims at providing certain facilities and amenities of life to the workers; economic-because it improves the efficiency of workers and thereby boosts up productivity besides maintaining a harmonious relationship in industry; and civic-because it provides a sense of dignity and responsibility among the workers so as to make them good citizens. To achieve this trinity of objectives of labour policy, a number of laws have been enacted by the Union and the State Governments in India to safeguard and protect the interests of industrial workers.

The Factories Act, 1948 is the labour welfare enactment codified to regulate working conditions in the factories and to provide with the health, safety and welfare measures. The main objective of the Act is to ensure proper, safe and healthy working conditions in the factories so that the workers may feel interest and charm in going to the factories and devote their time and labour in the working process of the factory without being afraid of bodily strain and without fear and danger of infection and accidents. The Industrial Employment (Standing Orders) Act, 1946 was enacted with a view to regulating the conditions of recruitment, discharge, disciplinary action, pay days, holidays and leave to the workers employed in

industrial establishments.

This empirical survey research has studied the problem of implementation and effectiveness of labour laws-particularly the Factories Act, 1948 and the Industrial Employment (Standing Orders) Act, 1946 in iron foundries and engineering industries of Agra Division of Uttar Pradesh state of India.

Ishwaran (1964) stated that the fast deteriorating industrial relations in the country and penetration of militancy in them candidly conveys the limitation of legislation in achieving the objectives envisaged by its framers. Labour legislations have also come under fire by employers as they have found laws to be destructive to industrial progress as the management is forced to waste money, time and energy in the process of implementing the laws and in appeasing the labourers. Thus, labour laws have failed to gain confidence of both the parties.

Raman (1965) while quoting S.P. Bajaj stated that Government of India too adopted a very feeble and ineffective attitude in the matter of enforcement of the labour laws. They seem to have revealed in policy of *laissez faire*. Factory work with 60 hours per week and 11 hours per day till 1926, together with violation of the Factories Act, by employers who went unpunished or punished lightly added to the misery of the working class.

Giri (1970) stated that wherever inspecting officers have been appointed, they have been overburdened with a variety of duties and responsibilities over a wide area. Some inspectors appointed under the provision of the Factories Act, 1948 are unable to finish even one round of routine inspection of the industrial units coming under their jurisdiction during the course of one year. It is therefore, needless to speak of the fate of important cases referred to them for quick disposal after proper inquiry, many irregular methods and practices continue undetected.

Sonarikar (1976) found that modification in purpose occur at the implementation level, not at the law making level. Sometimes, unintended consequences arise from legislation which can not or in any event, is not fully implemented and insufficient attention has been paid to this question in our labour policy. The low importance attached to the implementation of laws has procreated many problems which have impeded the success of legislation. There has been in our set-up a natural and necessary emphasis more on what the proper content of legislation should be, than on its enforcement.

Sharma (1979) emphasized that it is the responsibility of the factory management to look after the implementation of all the provisions of the Factories Act, 1948.

Kerk (1981) observed that labour legislation, government control or regulations had hardly any impact on the working conditions of the workers in the industrial units regardless of the fact that they are in the factory sector or the non-factory sector.

Ram (1984) studied the forms and extent to which the provisions of different labour legislations specifically concerned with the women labour in industrial setting are being violated in industries.

Sunderanjan (1991) in her research found that Workers' Participation in Management of plantations is virtually absent and productivity of workers have not shown any improvement even with the availability of modern techniques. Besides, there has been definite improvement in the living and working conditions of workers.

Ranjithamony (1991) concluded that benefits of various socio-economic schemes have not reached the workers. Workers have not benefitted from the provisions of various labour welfare enactments. Workers were residing near stone quarries/crushers in overcrowded, low-roof huts made from coconut and palm tree leaves and polluted environment. Medical, education, recreation, toilet and drinking water facilities are practically non-existent.

Rao(1992) in her study found that workers are generally ignorant about health, safety and welfare provisions. The facts indicate that provision of safety measures is not sufficient. Management was generally found apathetic towards health and welfare facilities for workers. There is general lack of interest on the part of labour welfare officer about the welfare of workers. Workers are not satisfied about the role of unions in the matter of welfare.

Jugale (1992) found that workers are being exploited mainly because legislative provisions and court awards are not being implemented by the sugar industry.

METHODOLOGY

This is a survey study based upon the data collected from 100 factories (57 iron foundries and 43 engineering establishments of Agra, Mathura, Firozabad and Mainpuri districts of Uttar Pradesh state of India. 500 workers-05 from each factory selected through random sampling, were also interviewed. Observation Schedule, Interview Schedule and Interviewed Guide were used to collect information and facts from factories, their owners, occupiers, workers, trade union leaders, lawyers and officers of the labour department of Uttar Pradesh.

CONCLUSIONS : THE FACTORIES ACT 1948

1. Most of the industrial establishments were small scale enterprises concentrating mainly in the district of Agra. Permanent employment was offered to a very small number of workers as compared to the total workforce. Women workers were found in 13% of the industries - 7% engineering industries and 6% iron foundries. They were employed only as temporary, contractual or badli (substitute) workers. Most of the employers prefer temporary, contractual and badli workers in order to escape their legal obligations.
2. Cleanliness of floors and benches of the workrooms in the factories was found satisfactory in 72% factories. Cleanliness in other parts of the factories was unsatisfactory. The state of cleanliness was better in engineering industries than in iron foundries.
3. In majority of the industries, the arrangements for disposal of industrial wastes and effluents were not made in accordance with the provisions of the Factories Act, 1948 and the Water (Prevention and Control of Pollution) Act, 1974.
4. Ventilates for fresh air were provided in 74% factories while temperature records and instruments were maintained only in less than 10% of the factories. Measures for ventilation and temperature were fairly better in engineering industries. However, provision of ventilates for fresh air was better provided and maintained in iron foundries.
5. Exhaust of stationary engines was conducted into open air in 76% industrial establishments. Other exhaust appliances were installed in 30% of the factories covered under the study. Precautionary measures for treatment of dust, fume and other impurities are relatively better provided and maintained in engineering industries. Nevertheless, the level of implementation of the provisions relating to treatment of dust, fume and other impurities is far from satisfactory.
6. Compliance of the provision relating to overcrowding was highly satisfactory as far as the availability of the required space in the workrooms was concerned. But it was highly unsatisfactory as the notice of maximum capacity of workroom(s) was displayed in a minuscule number (3%) of the factories.
7. Sufficient and reasonable lighting arrangements were made in 76% of the factories whereas arrangements for prevention of glare and reflection, formation of shadows, obstructions to light and provision of glazed windows and skylight were highly unsatisfactory. Except for availability of natural and artificial lighting, implementation of the provision relating to arrangements for lighting was better ensured in higher number of engineering industries.
8. Among the arrangements made for drinking water, hand pumps and/ or jet pumps were installed in 74% factories while approved taps of public water-supply system were found in only 05% of the factories. Cool water was supplied to the workers during summers season in 46% of the factories. Arrangements for drinking water were comparatively better in engineering industries.
9. Accommodations for latrines and urinals were provided in most (89%) of the industries. Other arrangements for latrines and urinals were found satisfactory in most of the iron foundries and engineering units. Availability of convenient, accessible and sufficient number of latrines and urinals were found in higher number of engineering units. However, other arrangements for latrines and urinals were better made in engineering industries. It was found that provision of latrine and urinal accommodations was better than their maintenance.
10. Arrangements for sufficient number of spittoons were found satisfactory in 41 % of the factories. But hygiene and cleanliness of spittoons was highly unsatisfactory, being comparatively better in engineering industries.
11. Various reasons for non-compliance of health provisions were (i) no need for such arrangement's (33%); (ii) authorities don't visit; (31%); (iii) gratification (bribe) to the authorities (27%); (iv) non-availability of space and infrastructure (22%); (v) financial scarcity (19%); (iv) waste of money and time (08%); and (vii) not- required under the Act (4%).
12. Types of precautionary safety methods adopted in the factories which included fencing, casing, safety guards etc, were provided comparatively in more number of engineering industries.
13. No young person was required or allowed to do work relating to adjusting, examination and lubrication of machinery in any of the factories covered in this study. Only specially trained male workers carried out such work in 56% of the factories. Notices or posters in Hindi for precaution of accidents were displayed in 40% of the factories. Provisions concerned with adjusting operations, examination and lubrication of machinery are better observed in higher number of engineering industries.
14. Lifting machines, chains, ropes and lifting or moving excessive weights were found in a small number of factories. These were properly maintained and their all parts were of good construction and sound material. In 16% of the factories. Lifting, chains and ropes were regularly examined by competent person(s) in 7% factories and they were not loaded beyond safe working load in 9% of the factories.
15. Among safety measures for revolving machinery and pressure plant, the safety measure included

maximum speeds for revolving machinery were not exceeded (21%); prescribed safety measures were provided for safe working of pressure plant and machinery (21%); measures were provided for safe working peripheral speed (19%); and notice of safe working peripheral speed was affixed near revolving machinery (12%).

16. Safety measures for floors, means of access, pits, sumps, and openings in floors were better provided and maintained in more number of iron foundries than engineering industries, stairs and means of access were of sound construction in 40% of the factories. Steps, stairs, passages and gangways were provided with handrails in 31% factories precautions were taken for working at a height in 09% of the factories.

17. Screens/goggles were provided for protection of eyes in 06% of the factories only. Manhole(s) and means of egress for gases and fumes were provided in 53% units and safety measures during removal of gases, fumes, vapour etc were provided in 28% factories. 3% factories had certificates for space being free from dangerous gases and fumes. Persons wore breathing apparatus while dealing with gases, fumes etc. in only 2% factories. Safety measures for protection of eyes and dangerous fumes, and dust were provided in higher number of engineering industries than foundries.

18. Measures were taken to prevent outbreak and spread of fire in 72% factories, and building of 70% factories were safe and properly maintained. Equipments and facilities for extinguishing fire were provided in 68% industries and safe means of escape in the event of fire were provided in 54% factories; but workers were familiar with these means of escape only in 49% of the factories covered in the study. Safety of building and safety measures in case of fire were found more satisfactory in engineering industries than in foundries.

19. Reasons for not providing safety measures were: workers were always cautious and safe (73%); no need and feasibility of such precautions (51%); financial constraints (48%); irresponsible and unfaithful workers who destroyed such measures (44%); authorities don't enforce (25%); workers don't like and demand (24%), non dangerous job and inbuilt safety in machines (23%); and occupier was unaware of such requirements (11%).

20. Adequate and suitable washing facilities were provided in 46% of the factories whereas soap or/and detergent was provided only in 19% of the factories. Taps on stand-pipes were provided in 40% of the factories and trough with taps and wash-basin connected with taps were provided in 39% factories. Arrangements for washing facilities were made better in higher number of iron foundries than engineering establishments.

21. Arrangements for drying wet clothes were made in 57% factories whereas suitable places were provided to the workers for keeping clothing not worn during working hours in 52% of the total factories. Hangers, pegs and/or lockers were provided in 48% factories and separate rooms for storing and drying clothes were provided in 9% factories. Facilities for storing and drying clothes were provided in greater number of engineering industries than iron foundries.

22. Sitting arrangements were provided for workers obliged to work in standing position in 17% industries and seats were provided to the workers working in sitting position in 22% factories. Facilities for sitting were provided in majority of the factories.

23. First-aid boxes or cupboards were provided in 68% of the factories but the prescribed contents of these boxes or cupboards were not available in more than 90% factories. Prescribed contents were provided in more number of engineering units than iron foundries.

24. Canteen facilities were provided in 04% industries and better canteen facilities were provided in greater number of iron foundries.

25. Facilities of shelters, rest rooms and lunch rooms were satisfactorily provided in only 8% of the factories.

26. The reasons for not providing welfare facilities were (i) it did not make difference to authorities (81%); (ii) facilities not needed (74%); (iii) lack of financial resources (38%); (iv) workers did not like the facilities (17%); (v) non-availability of space (8%); (vi) cause of unnecessary problems (7%); and (vii) productivity of workers goes down (04%).

27. Welfare Officer was employed in 07% factories. Some industrial establishments employed Welfare Officer even if the numerical strength of workers was below 500.

28. Medical or nursing staff was employed in 2% of the factories which was 50% of the factories wherein such medical nursing staff was required under the Act.

29. Reasons for not employing medical or nursing staff were: (i) E. S. I. medical facilities were available (2%); (ii) contractual nature of workers (2%); (iii) very rare occurrence of accidents (2%); and (vi) private clinics were nearby factory.

30. Only one out of 4 establishments constituted Canteen Managing Committee. Reasons for not constituting Canteen Managing Committee included: (i) no need of committee (3%); (ii) misuse of canteen(s) by workers representatives (3%); (iii) management manages properly (3%); (vi) workers don't

co-operate (2%); (v) workers have no special knowledge (2%); and (iv) workers were unable to elect their representatives (1%).

31. The level of implementation of various provisions relating to health was highly satisfactory in 11% of the industries; satisfactory in 9%; moderate 47%; unsatisfactory 16%; and highly unsatisfactory in 17% of the total factories.

32. The level of implementation of safety provision was highly satisfactory (4%), satisfactory (12%); moderate 11%; unsatisfactory 28%; and highly unsatisfactory in 45% of the factories.

33. Implementation of welfare provisions was highly satisfactory (4%); satisfactory (9%); moderate (13%); unsatisfactory (41 %); and highly unsatisfactory in 33% of the factories. Health provisions were more and better implemented than the provisions relating to safety and welfare.

34. Register in Form no.8 for cleaning of walls and ceilings, white-washing and colour washing was maintained in 36% factories whereas record of persons attending to machinery was maintained in Form no. 25 in 21% factories only. 20% factories had register for particulars of examination of hoists and lifts. And register for lifting machines, chains, ropes and lifting tackles was maintained in 15% of the factories.

35. For not maintaining the prescribed records, the reasons were disclosed as: (i) not needed (64%) (ii) authorities don't ask for production of these records (61%); (iii) contract basis workers (36%); and (iv) authorities don't inspect the factory (16%).

36. The Competent Person(s) and the Inspector(s) regularly visited the factory to examine and inspect the health, safety and welfare measures in 84% of the industrial establishments.

37. Reasons for Competent Person(s) and Inspector(s) not visiting the factory included, (i) fixed amount (bribe) sent regularly (16%); (ii) small factory, therefore, no benefit to the authorities (10%); (iii) respondents go to them and satisfy (09%); (iv) contract basis workers (8%); (v) authorities not aware of location (04%); and (vi) don't know (03%).

38. In most (47%) of the factories, weekly working hours of adult workers varied between 56 and 60 hrs. Working hours were between 52 and 56 per week in 14% factories. However, weekly working hours were less than 48 hours in 13% factories.

39. In 12% of the factories, weekly holiday was not observed and provided to the workers And 44% industries did not grant compensatory holidays to their workers.

40. Reasons cited for not providing compensatory holidays were: (i) provided only when a worker needed (44%); (ii) unnecessary financial burden on the factory (42%); (iii) weekly holidays given regularly (28%); (vi) not needed at all (19%); (v) authorities didn't require (12%) (vi) contract-basis workers (09%); (vii) excessive workload of production (07%); (viii) already many holidays (6%); (ix) weekly hours of work are less (05%); and (x) workers don't demand (04%).

41. 31% industrial establishments did not maintain register for weekly and compensatory holidays and subsequent changes therein. Reasons for not displaying the notice included: (i) compensatory holidays not provided (44%); (ii) workers inquired in the office (25%); (iii) workers were illiterate (16%); (vi) workers did not like to read such notices (12%); and (v) workers were personally informed (05%).

42. 14% of the industrial establishments did not maintain register for weekly and compensatory holidays. Reasons were: (i) compensatory holidays were not given (14%); (ii) workers didn't demand weekly and compensatory holidays (10%); (iii) not needed at all (08%); and (vi) lack of necessary staff to maintain such register (06%).

43. There was necessity of overtime work in 77% of the total factories. However, overtime wage was paid to the workers in 15% of the factories only. Rates of overtime wages were: (i) twice the ordinary rate of wages (09%); (ii) ordinary wages (3%); (iii) 11/2 of the ordinary wages (02%); and (vi) higher than twice the ordinary wages (1%).

44. Reasons for not giving overtime wages at the required rate were: (i) no necessity (62%); (ii) financial inability of the factory (47%); (iii) no such demand from workers (24%); (vi) outside workers were available at normal rate (12%); and (vii) workers employed by contractors (12%). Daily maximum working hours of over time work were 4 to 5 hrs. in (19%); 5 to 6 hrs in 1%; and 2 to 3 hrs in 31% factories. Various methods of allocating hours of overtime work were (i) through the Scheme of overtime work (20%); (ii) seniority list was followed (14%); (iii) selected few were given overtime work (12%); (vi) as per demands of circumstances (10%); (v) all willing workers were given overtime work (9%); (vi) as per work requirements (8%); and (vii) all workers worked simultaneously (4%).

45. Separate register for overtime work was not maintained in 62% of the factories. The industrial establishments did not maintain overtime register because of: (i) overtime work was written on loose papers (18%); (ii) Contract basis workers (12%); (iii) piece rate workers (12%); (iv) overtime work was written in the personal diary of the workers (07%); (v) overtime work was treated as normal work (4%); (vi) not needed (4%); (vii) overtime period shown in attendance register (3%) and (viii) lack of staff.

46. Double employment was permitted in 16% of the total industrial establishments. Reasons for

permission of double employment were: (i) day of cupola necessitated (5%); (ii) workers demanded so (5%); (iii) double employment was allowed for part of the day (04%); and (vi) contractors allowed double employment (2%).

47. Notice of periods of work was not displayed in 41% of the factories because: (i) workers inquired in the office (19%); (ii) workers were personally informed (10%); (iii) workers were either unable or did not like to read the notice (05%); (iv) contractors responsible (4%); and (v) workers were already aware of periods of work (3%).

48. Register of adult workers was not maintained in 8% of the factories; and 45% of the factories preserved the register of adult workers for more than five years, 15% factories preserved this register for less than three years.

49. 28% factories did not maintain list of managerial, supervisory and confidential persons because of the reasons: (i) authorities did not require (23%); (ii) owner(s) only manage(s) the factory (12%); (iii) only contractors are there, so no need (08%); (vi) no need of such list (07%); and (v) no such staff is there.

50. Women were employed in 13% industries only. No child was employed in any factory because of the reasons: (i) prohibition by law (78%); (ii) heavy and dangerous work (46%); (iii) children not needed (36%); (vi) work not suitable to children (32%); (v) burden of extra liabilities (8%); (vi) less work for adults' wages and benefits (0.4%); and (vii) adults available in abundance (0.4%).

51. Leave with wages was not granted to the workers in 16% factories. 7% of the factories did not maintain register for leave with wages and 'Leave Book' was not provided to the workers in most (95%) of the factories surveyed.

52. Reasons for not granting leave with wages to the workers were: (i) financial inability of the factory (81%), (ii) authorities did not require (57%); (iii) production process was hampered (49%), and (iv) no such demand from workers etc.

CONCLUSIONS ; THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

1. The Industrial Employment (Standing Orders) Act, 1946 was not applicable to 77% of the factories. It was applicable to 23% factories only. Certified Standing orders were available in 19% factories only. Various interests such as trade union, workmen were involved in formulation and modification of the Standing Orders in 14% factories only.

2. Reasons for non-involvement of concerned interests were; (i) unnecessary strife (ii) they don't contribute positively (iii) authorities hardly concerned and (vi) objectionable pressure tactics by trade unions and workers.

3. Management got the Standing Orders certified or modified even if it had not involved concerned interests in it, owing to the factors such as: (i) fulfilling all the legal formalities by itself; (ii) gratification to the authorities; and (iii) trade union activists were management's henchmen.

4. Only 4% of the industries had the Standing Orders jointly formulated with other establishments. And the reasons for jointly formulating the Standing Orders were: (i) similar manufacturing process, (ii) same ownership, (iii) freedom from financial and legal obstacles, and (vi) adjoining location of the factories.

5. Only 9% of the industries had displayed/posted the text of Standing Orders. Reasons were: (i) maintained in a file, shown whenever required (8%), (ii) workers and authorities did not require (8%), (iii) workers told verbally (6%); and (vi) lack of proper place to post Standing Orders.

6. 5% industries displayed the text of Standing Orders in English language only and 3% factories displayed in Hindi language only. However, 1% industry displayed the text of Standing Orders in both the languages.

7. Respondents told that the reasons for not displaying the 'text' of Standing orders in both the languages were: (i) workers were not so highly educated as to read English, and (ii) workers understood Hindi very well.

8. Various ways or means to make the standing orders, if not displayed, known to the workers were: (i) workers inquired in the office (14%); (ii) verbally told to the workers by managerial staff (07%); (iii) workers need not to know the Standing Orders; and (iv) trade unions make them known to the workers.

9. Subsistence allowance was paid to the suspended workers in 08% of the factories. The rate at which subsistence allowance was paid to the workers was below the prescribed limit.

10. Model Standing Orders were never made applicable to 20% of the factories. However, they were made applicable to 3% industries only. Various reasons for application of Model Standing Orders were: (i) before certification of the Standing Orders when the Act became applicable for the first time, and (ii) failure to submit draft Standing Orders in time.

11. Penalty was imposed against 10% factories for failing to submit the draft standing orders; and 4% factories were penalised for contravention of the Standing Orders. Penalty was imposed against 3% factories for modifying the Standing Orders otherwise than in accordance with the Act.

12. Except a few matters, all matters included in the Schedule appended to the Industrial Employment (Standing Orders) Act, 1946 were incorporated and followed as certified in the Standing Orders. The reasons for not incorporating and following matters as certified in Standing Orders were (i) absence of such working conditions and requirements (15%); (ii) trade union or workers did not want them to be incorporated (07%); and (iii) protection of interests of the factory (06%).

GENERALISTATIONS

Although labour laws have, by and large, been able to minimise the exploitation of workers, regulate their service conditions, wages, hours of work and rest; and provide protection against whimsical and vindictive termination of service including dismissals; and to promote social security measures including terminal benefits, more is still left than is desired. There is admittedly a gap between the objective set and the achievement made so far. Careful and objective analysis of facilitating as well as hindering factors in the implementation of labour laws will provide clues to suggest remedial measures. This section presents the conclusions based on empirical and logical findings.

(1) Workers of Iron Foundries and Engineering Industries of Agra Division are mainly unprotected workers who are already accorded some form of protection under labour laws but are unable to enjoy the benefits of such protection due to ineffective implementation or enforcement of laws. The small industrial units/enterprises in which non-observance or non-coverage of labour protection laws has been noted include the Iron Foundries and Engineering Industries of Agra Division.

(2) Unprotected and unorganised workers are not necessarily engaged only in the informal sector or in unregulated small-scale economic activities. The modern sector like iron foundry and engineering industry, too, employs a large number of unprotected workers, like contract labour, casual workers, badli (substitute) workers, temporary workers etc. Besides, many of the protected workers in the organised sector are unorganised and are unable to benefit from labour laws. There is a deliberate trend to engage workers on a contract basis or as temporary or casual workers.

(3) Employers sometimes deliberately disregard the law or are reluctant to follow procedures and standards, especially in enterprises in rural and remote areas; small establishments, and establishments without unionised labour. By and large, the extent of enforcement is correlated to size and location of the establishment - the larger the establishment, the more it is subjected to inspection, the greater is the possibility of trade unions developing, and the more is the likelihood that obvious violations will become the cause for grievance and industrial action.

(4) Non-observance of labour laws relates to almost all aspects of working life, including non-payment of minimum wages, longer hours of work than those specified in the law; disregard of the health, safety and welfare provisions; non-payment of overtime and earned wages. Employers prefer to hire unmarried women and women who have crossed the child bearing age on contractual, temporary or badli basis to avoid payment of maternity benefits and other dues. Children, employed outside the main premises, are shown as learners and paid learner's allowances, although they are made to work as adults.

(5) While workers are guaranteed the right to form and join labour organisations through constitutional provisions and the Trade Unions Act, 1926, in most industries the proportion of the labour force with trade union membership is rather low. Thus, collective bargaining agreements in iron foundries and engineering industries cover only a small fraction of the labour force. The absence of trade unions or effective trade unions not only weakens the bargaining power of workers and renders them more vulnerable to exploitation, but also makes it difficult to effectively implement the labour laws.

(6) Owners of the small establishments find it costly to comply with the legal provisions to provide facilities and benefits to the workers. The financial woes of iron foundries and engineering industries, especially of Agra Division facing imminent closure, as per the Supreme Court verdict, cannot be ignored. They should not be burdened with undertaking costly measures. Improvements in working conditions may be effected through low-cost measures. Accident prevention performance may be improved by increasing motivation of workers for safety and changing attitudes through active participation of workers. Good physical conditions at the work place and better work organisation through improved work station design and the application of ergonomic principles regarding lighting, ventilation, work postures, and general safety at work have resulted in better-quality products and better productivity. Such a programme, however, needs promotional and training material for employers, workers and government services. Iron foundries and engineering industries of Agra Division lack financial resources. They do not have enough funds for providing facilities and benefits to the workers. They have limited working capital, and find it difficult to obtain credit. Poor working conditions, in some cases, are attributable to these factors

(7) Lack of knowledge of workers of their legal rights and entitlements has resulted in employers violating the labour laws and depriving workers of minimum benefits.

(8) Employers who do not have a clear understanding of their legal obligations and responsibilities to employees tend not to comply with or to infringe labour laws and regulations.

(9) The existing enforcement machinery is often inadequate and not properly attuned to maintaining strict vigil and ensuring prompt implementation of labour laws. Implementation of labour laws in state sector is far from satisfactory, the main reason is inadequacy of the machinery in terms of number of inspectors. The present enforcement machinery is very much overworked with the result that the complaints regarding non-implementation of law cannot be attended to expeditiously. There are too many labour laws which are required to be enforced by the machinery. Enforcement machinery should be augmented by a considerable increase in the number of Inspectors and the Inspectors should be provided with transport facilities to increase their mobility and efficiency. This could be achieved by providing a Government vehicle or substantially subsidising the cost of the motor-cycle or moped.

(10) The complexity and multiplicity of labour laws and deficiencies and weaknesses in the legal provisions create real problems in implementation. There is paramount need for simplification, rationalisation and consolidation of labour laws for quicker implementation. In order to bring about a feasible degree of simplification and uniformity of definitions, it should be possible to integrate these enactments which cover subjects having a common objective. This will mean simplification of the existing frame work of labour laws. Consolidation of enactments covering the same subject such as the enactments on industrial relations, conditions of service, social security as well as occupational safety and health, should be examined in depth for rationalisation, simplification and consolidation of labour laws.

(11) Labour Administration is bureaucratic rather than Welfare Administration. Enforcement Officers give priority to personal aggrandisement than to labour welfare. Their behaviour and performance are influenced by parochialism; as a result the rules and regulations are not made universally applicable. The laws, rules and regulations prescribe the style of functioning of the labour officials, there are wide deviations in their actual behaviour.

(12) Wide-spread corruption in Labour Administration is major obstacle in effective implementation of labour laws. There is hardly anyone from a petty clerk to higher official who is not manageable with a proportionate amount of gratification. A fixed amount of bribe is sent regularly to officials in the most cases of violations of labour laws.

(13) Labour enforcement machinery does not carry out with integrity the functions of holding investigations into complaints of violation of labour laws, non-implementation of award and settlements, verification of membership of unions and preparing reports on industrial relations situations. At the time of conducting inspections, the officers do not collect independent and reliable evidence of irregularities and breaches of law. They do not prepare the inspection report at the workspot and do not deliver the same to the employer, contractor or his authorised representative.

(14) Trade Unions in iron foundries and engineering industries are either ineffective or non-existent or exist on papers only. Trade Union activists or office bearers are, in most cases, henchmen of management and do not voice against non-implementation or unsatisfactory implementation of labour laws. They tend not to protect the rights and interests of the workers.

(15) Provisions relating to health are comparatively better complied with in higher number of iron foundries and engineering industries.

(16) Labour laws are more satisfactorily implemented in higher number of engineering industries than iron foundries.

REFERENCES

1. Giri, V.V. (1970). Labour Problems in Indian Industry. Bombay, India: Asia Publishing House.
2. Inshwaran, K. (1964). Industrial Relations in India. New Delhi, India: Allied Publishers.
3. Jugale, V.B. (1992). Wages, Employment and Industrial Relations of Migrant Cane Cutters in Sugar Co-operatives in Maharashtra. New Delhi, India: I.C.S.S.R.
4. Kerk, H.S. (1981) Employment in Small Scale Industries in South Gujarat. Economic and Political Weekly, April, 1981.
5. Ram. Bal. (1984). Woman Workers and Labour Legislation in India. Indian Labour Journal, Vol. 25, No. 10, pp. 1527-43.
6. Raman, A.V. (1965). Industrial Social Services in Developing Economy. Bombay, India: Allied Publishers, p. 88.
7. Rao, Manju. (1992). Labour Welfare Policy in Rajasthan- A Study in Context of the Implementation of the Factories Act, 1948. Available with I.C.S.S.R.
8. Ranjithamony, A. (1991) Socio-Economic Aspects of Stone Industry Workers of Chengal Pattu-M.G.R. District, T.N. India.

9. Sharma, A.M. (1979) Administration of the Factories Act, in Maharashtra. Indian Journal of Social Work, XL. No. 2.
10. Sonariker, Sunanda. (1979) Implementation of Labour Enactments. Bombay, India: Popular Prakashan.
11. Sundaranjan, A. Meenakshi. (1991) Wage Setting in Tea Plantations in Tamil-nadu. Department of Economics, S.D. Hindu College, Nagar Coil, Tamil Nadu, India.
12. The Factories Act, 1948, Bare Act, 2012, Universal Law Publishing, New Delhi, India.
13. The Uttar Pradesh Factories Rules, 1950. Eastern Book Company, Lucknow 2012.
14. The Industrial Employment (Standing Orders) Act, 1946. Bare Act, 2012. Universal Law Publishing, New Delhi, India.

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