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## IMPLEMENTATION OF THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946 IN AGRA DIVISION OF UTTAR PRADESH, INDIA.

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### Abstract:

*The Industrial Employment (Standing Orders) Act, 1946 contains provisions, rules and regulations which govern the conditions of employment of workers such as working hours, pay days, holidays, leave, stoppage of work, suspension, termination and dismissal etc.. Standing Orders create favorable conditions for attainment of industrial harmony. It is one of the important laws on Industrial Relations in India. This survey study investigates the actual implementation of the Industrial Employment (Standing Orders) Act, 1946 at the plant level in 100 factories (57 iron foundries and 43 engineering establishments) in Agra, Mathura, Firozabad and Mainpuri districts of Agra Division of Uttar Pradesh state of India. 500 workers-05 workers from each factory, were also interviewed. Observation Schedule, Interview Schedule and Interview Guide were used to collect information and facts from the selected factories, occupiers, owners, workers, trade union leaders, lawyers and government officials of the labor department. This survey study makes certain empirical findings regarding certification, modification and display of standing orders.*

### KEYWORDS:

Standing Orders; Employment Conditions;  
Industrial Relations; Certification; Modification; Display.

### INTRODUCTION:

The prerequisite for the development and maintenance of a healthy relationship between employers and wage earners is the existence of satisfactory employment and working conditions. In their absence, industrial strikes, bickerings and bitterness crop up. These can be held in check if conditions of employment and work are properly defined. In this context, standing orders play a significant role. They refer to the rules and regulations which govern the conditions of employment of workers. They make the both conscious of their own limitations, for, on the one hand, employers have to follow the specified rules and procedure laid down regarding working hours, paydays, holidays, grant of leave to employees, temporary stoppage of work, termination of employment, suspension or dismissal in certain conditions, on the other hand, they require that employees should adhere to rules and regulations mentioned in the Standing Orders and assist each other in creating conditions which are favorable to the attainment of industrial harmony.

The Industrial Employment (Standing Orders) Act was passed by the Parliament of India in 1946 and it came

into force on 23rd April, 1946. It is one of the most prominent laws on Industrial Relations in India. This survey study investigates the actual implementation of this Act at the plant level 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 limitations 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.

Implementation and Evaluation Division (1969) conducted 25 case studies in the public undertakings which revealed that there were cordial relations in 8 of them. Shortcomings on both the sides owing to lack of proper personnel management, irresponsible leadership of unions, strained relations between the top management and the union officials and functioning of unions were being conditioned by political factors. Raising of a series of disputes, resorting to strikes, go-slow and pressurizing tactics adopted by some of the unions in a few undertakings were also responsible for consistently bad industrial relations in such undertakings.

Giri (1970) observed that wherever inspecting

officers have been appointed, they have been overburdened with a variety of duties and responsibilities spread over a wide area.

Monga (1978) stated that although labour laws are mainly intended to promote healthy collective bargaining, the ultimate and underlying goal is to protect the dignity of labour and to create respect for it. A focus on implementation of labour laws is narrow because the problem of enforcement and implementation must be considered as one part of the decision to introduce a labour policy.

Benarjee (1989) found that physical and technical factors are among the important determinants of industrial relations. Officers give priority to organizational climate whereas workers and other lower cadre employees give weightage to structural and welfare factors in determining the industrial relations.

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.

**METHODOLOGY**

This survey study is based upon the data gathered from 100 factories (57 iron foundries and 43 engineering establishments) of Agra, Mathura, Firozabad, and Mainpuri districts of Agra Division of the U.P. State of India. Convenience sampling was adopted to select an adequate number of factories, whereas random sampling technique was followed to select 500 workers-05 workers from each factory. Observation Schedule, Interview Schedule and Interview Guide were used to gather information and facts from factories, occupiers, workers, trade union officials, lawyers and officers of the labour department.

**ANALYSIS AND INTERPRETATION**

**Table 1: Availability of Certified Standing Orders in Factories**

S.No.	Availability	Foundries	%	Engg. Ind.	%	Total
1.	Yes	11 (19.3)	57.9	08(18.6)	42.1	19
2.	No	02(3.5)	50.0	02(4.7)	50.0	04
3.	N.A.	44(77.2)	57.1	33(76.7)	42.9	77
	Total	57(100.0)		43(100.0)		100

Table 1 indicates that 19% of employers in Industrial establishments formally defined conditions of employment under them and there were available 'certified Standing Orders in these factories, of which 57.9% were foundries and remaining 42.1 % were engineering industries. Certified Standing Orders were not available in 4% of the factories which consisted of equal number of iron foundries and engineering industries. In maximum (77%) of the factories, the Industrial Employment (Standing Orders) Act, 1946 was not applicable.

**Table 2: Involvement of Various Interests in Formation and Modification of the Standing Orders.**

S. No.	Concerned Interests	Foundries	%	Engg. Ind.	%	Total
1.	Trade union	04	57.1	03	42.9	07
2.	Workmen	05	71.4	02	28.6	07
	Total	09		05		14

Data in the table 2 show that only 14% of the factories ensured involvement of various interests in formulation and modification of the Standing Orders. 7% of

the factories- 57.1% foundries and 42.9% engineering industries - involved office - bearers of the Trade Unions whereas an equal number of industries directly involved the workmen in formulation and modification of the Standing Orders.

**Table 3: Reasons for Non-Involvement of Concerned Interests**

S.N.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Unnecessary strife	00	00.0	01(33.3)	100.0	01
2	They don't contribute positively	01 (50.0)	50.0	01(33.3)	50.0	02
3.	Authorities are hardly concerned		00.0	01(33.4)	100.0	01
4.	Objectionable pressure tactics	01(50.0)	100.0		00.0	01
	Total	02(100.0)		03(100.0)		05

In 5% of the industries, various interests like Trade Union and /or Workmen were not involved in formulation and subsequent modification of the Standing Orders. Table 3 shows various reasons for non-involvement of the concerned interests. The reasons were: they don't contribute positively (2%); unnecessary strife between the employer and the employees (1%); authorities are hardly concerned about their involvement (1%); and objectionable pressure tactics adopted by them (1%).

Data contained in table 4 depict the factors responsible for certification or modification of the Standing Orders even if the concerned interests have not been involved. Majority (03%) of the respondents who did not involve the concerned interests, said that they gratified the authorities with pay-offs. One respondent revealed that the management fulfilled all the legal formalities itself to have the draft standing orders certified. One informant disclosed that they did not involve the concerned parties because there was no voice of dissent from the association of workers as Trade Union activists were management's henchmen.

**Table 4: Factors For Certification Or Modification of the Standing Orders Even If the Concerned Interests Not Involved**

S. No.	Factors	Foundries	%	Engg. Ind.	%	Total
1.	Fulfilment of all the legal formalities by management	01(50.0)	100.0	00(00.0)	00.0	01
2.	Gratification to authorities	01 (50.0)	33.3	02(66.7)	66.7	03
3.	Trade Union activists are management's henchmen	00(00.0)	00.0	01(33.3)	100.0	01
	Total	02(100.0)		03(100.0)		05

**Table 5: Showing Whether Standing Orders Jointly Formulated**

S.No.	Response	Foundries	%	Engg. Ind.	%	Total
1.	Yes	03(5.3)	75.0	01(2.3)	25.0	04
2.	No	11(19.3)	57.9	08(18.6)	42.1	19
3.	N.A.	43(75.4)	55.8	34(79.1)	44.9	77
	Total	57(100.0)		43(100.0)		100

Section 3(4) of the Industrial Employment (Standing Orders) Act, 1946 provides that subject to such conditions as may be prescribed, a group of employers in similar industrial establishments may submit a joint draft of standing orders for certification. Table 5 shows that Standing Orders were jointly formulated by owners of 4% similar establishments, of which 75% were foundries and 25% were engineering industries. 19% of the establishments had their own separate certified Standing Orders.

**Table 6: Reasons For Joint Formulation Of The Standing Orders**

S.No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Similar Manufacturing Process	01(33.3)	100.0	00(00.0)	00.0	01
2.	Same Ownership	01(33.3)	100.0	00(00.0)	00.0	01
3.	Freedom from Financial And legal Obstacles	00(00.0)	000	01(100.0)	100.0	01
4.	Adjoining location of factories	01(33.3)	100.0	00(00.0)	00.0	01
	Total	03		01		04

**Table 7: Display Of The Text Of Standing Orders**

S.No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Yes	04(07)	44.4	05(11.6)	55.6	09
2.	No	07(12.3)	70.0	03(7.0)	30.3	10
3.	No Standing Orders	03(5.3)	75.0	01(2.3)	25.0	04
4.	Not Applicable	43(754)	55.8	34(79.1)	44.2	77
	Total	57(100.0)		43(100.0)		100

Section 9 of Industrial Employment (Standing Orders) Act, 1946 requires the text of the Standing Orders as finally certified to be posted prominently on special boards at or near entrance and in all departments. Table 7 shows that the 'text' of standing orders was displayed only in 09% of the factories, of which 44.4% were foundries and the remaining (55.6%) were engineering industries. The 'text' of standing Orders was not displayed in 10% of the factories -70% iron foundries and 30% engineering industries. 4% of the respondents told that they had not displayed the text because they did not have certified Standing Orders and the remaining 77% did not display the text of Standing Orders because the Act was not applicable to them.

**Table 8: Reasons For Not Displaying The Text Of Standing Orders**

S. No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Maintained in the file, shown whenever required	06	75.0	02	25.0	08
2.	Workers told verbally	04	66.7	02	33.3	06
3.	Lack of proper place to post	02	40.0	03	60.0	05
4.	Workers and authorities don't require	05	62.5	03	37.5	08

8% of the respondents said, table 8 shows, that they did not post the text of Standing Orders at conspicuous and prominent place because they maintained a file for the Standing Orders and these were shown to the workers whenever they required. Of these, 75% were foundries and the remaining 25% were engineering industries. 8% of the respondents told that neither the authorities nor the workers required them to display the text of Standing Orders. 6% respondents said that substance of the Standing Orders was told verbally to the workers. And 5% of the occupiers could not display the text of Standing Orders because of lack of proper place to post them.

**Table 9: Language(s) In Which The 'Text Of Standing Orders Displayed**

S.No.	Language	Foundries	%	Engg. Ind.	%	Total
1.	English	02(50.0)	40.00	03(60.0)	60.0	05
2.	Hindi	01(25.0)	33.3	02(40.0)	66.7	03
3.	Both	01(25.0)	100.0	00(00.0)	00.0	01
	Total	04(100.0)		05(100.0)		09

Section 9 of the Industrial Employment (Standing Orders) Act, 1946 lays down that the text of the Standing Orders as finally certified under this Act shall be prominently posted by the employer in English and in the language understood by majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial establishment and in all departments thereof where the workmen are employed. Table 9 shows the language in

which the 'text' of standing orders was displayed. It indicated that text of standing orders was displayed only in English language in majority (5%) of the industries, of which 60% were engineering industries and the rest (40%) were iron foundries. In 2 industries, the Standing Orders were displayed in Hindi language only whereas they were displayed in both the languages in only one factory.

**Table 10: Reasons For Not Displaying The Text Of Standing Orders In Both Languages**

S. No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1.	Workers not so highly educated as to be able to read English	02	50.0	02	50.0	04
2.	Workers understand Hindi very well.	01	33.3	02	66.7	03
	Total	03		04		07

Table 10 presents data on reasons for not displaying the 'text' of Standing Orders in both the languages. 4% of the respondents revealed that they did not post the 'text' of Standing Orders in both the languages because workers were not so highly educated as to be able to read the Standing Orders in English (04%). 3% respondents said that workers could understand Hindi language very well, therefore, there was no need to post the text of Standing Orders in English Language.

**Table 11: Showing How Standing Orders, If Not Displayed, Are Made Known to the Workers**

S.No.	Means/Ways	Foundries	%	Engg. Ind.	%	Total
1.	Verbally told to the workers by managerial staff	04	57.1	03	42.9	07
2.	Workers inquire in the office	10	71.4	04	28.6	14
3.	Trade Unions make them known.	01	50.0	01	50.0	02
4.	Workers need not to know	02	40.0	03	60.0	05

The Industrial Employment (Standing Orders) Act, 1946 is an Act to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them. Table 11 shows the means and ways as to how Standing Orders are, if not displayed, made known to the workers. Workers inquired in the office in 14% of the factories, of which 71.4% were foundries and remaining 28.6% were engineering industries. In 7% of the total factories, 57.1 % foundries and 42.9% engineering industries, the managerial staff verbally told the workers about the content and substance of the Standing Orders. 5% of the respondents said that workers did not need to know the Standing Orders, while 2% of the respondents said that Trade Union(s) made the Standing Orders known to workers in the factories.

Section 10A of the Industrial Employment (Standing Orders) Act, 1946 provides for payment of subsistence allowance to a suspended worker. Data in the table No. 12 reveals that in 08% of the factories, subsistence allowance was paid to the workers under suspension.

**Table 12: Payment Of Subsistence Allowance to the Suspended Workers.**

S.No.	Subsistence Allowance	Foundries.	%	Engg. Ind.	%	Total
1	Yes	05	62.5	03	37.5	08
2.	No.	09	60.0	06	40.0	15
	Total	14		09		23

Subsistence allowance was not paid to the workers in 15% of the total factories, of which 60% were iron foundries, and 40% were engineering industries.

## CONCLUSIONS

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, and 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% 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.

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