



औद्योगिक नियोजन (स्टाई आदेश) अधिनियम, 1946
Industrial Employment (Standing Orders) Act, 1946
वार्षिक प्रतिवेदन-2022/Report for the year 2022

भारत सरकार/ Government of India
श्रम एवं रोजगार मंत्रालय/ Ministry of Labour & Employment
श्रम ब्यूरो/ Labour Bureau
चंडीगढ़/Chandigarh

Report on the Working of the Industrial Employment (Standing Orders) Act, 1946 for the year 2022

1. Scope and Objectives

The Industrial Employment (Standing Orders) Act, 1946 came into force on 23rd April, 1946 and extends to the whole of India. Though the Act applies to every industrial units/undertaking/establishments wherein 100 or more workers were employed on any day of the preceding 12 months. It empowers the appropriate Governments to extend the provisions of this Act to the establishments employing less than 100 workers after giving not less than two months" notice, of its intention to do so, in the official gazette. The Act, however, does not apply to the workmen who are governed by the Fundamental and Supplementary Rules, Civil Service Temporary Service Regulations, Civilians in Defense Services (Classification, Control and Appeal) Rules or the Indian Railways Establishments Code or any other rules and regulations that may be notified in this behalf by the appropriate Government.

The main objectives of the Act, besides maintaining harmonious relationship between the employers and the employees, are to regulate the conditions of recruitment, discharge, disciplinary action, leave, holidays, etc. of the workers employed in industrial units/undertaking/establishments.

By virtue of the definition of "Appropriate Government" under Section 2 (b) of the Act, the following categories of industrial establishments fall within the purview of the Central Government for the purpose of the Act and the rest under the jurisdiction of the respective State Governments:

- (i) Railways;
- (ii) Mines and Quarries;
- (iii) Oil fields;
- (iv) Industrial Establishments in Major Ports;
- (v) Establishments under the control of the Central Government such as Central Public Sector Companies and Corporations; and

- (vi) Industrial Establishments run departmentally by the Central Government, e.g., Post and Telegraph Workshops, Government of India Presses, Mints, Central Public Works Departments, etc.

2. Main Provisions

The main provisions of the Act relate to:-

- (i) procedure for submission of draft Standing Orders;
- (ii) conditions for certification;
- (iii) date of operation and display of these Orders;
- (iv) procedure for modification; and
- (v) Machinery for the implementation of the Act.

3. Procedure for Certification of the Standing Orders

Section 3 of the Act provides that within 6 months from the date on which the Act becomes applicable to an industrial establishment, the employer shall submit to the Certifying Officer, 5 copies of the draft Standing Orders proposed by him for adoption in his industrial establishment. It further provides that provision shall be made in such draft for every matter set out in the Schedule which may be applicable to the establishment, and where Model Standing Orders have been prescribed, shall be, as far as practicable, in conformity with such model. Therefore, the draft Standing Orders should normally provide for the following matters:

- (i) Classification of Workmen, i.e., Permanent, Temporary, Apprentices, Probationers or Badlis;
- (ii) Manner of intimating to workmen the periods and hours of work, holidays, pay days and wage rates;
- (iii) Shift working;
- (iv) Attendance and late coming;
- (v) Conditions of procedure in applying for and the authority, which may grant leave and holidays;
- (vi) Requirement to enter premises by certain gates and liability to search;
- (vii) Closing and re-opening of sections of the industrial establishment and temporary stoppages of work, and the rights and liabilities of the employer and workmen arising there from;

- (viii) Termination of employment and the notice thereof to be given by employer to workmen;
 - (ix) Suspension or dismissal for misconduct and acts or omissions which constitute misconduct;
 - (x) Means of redressal for workmen against unfair treatment or wrongful action by the employer or his agents or servants; and
 - (xi) Any other matter, which may be prescribed from time to time.
- Besides, the Act as amended in 1982 also provides for payment the subsistence allowance to the workmen who are kept under suspension pending domestic enquiry.

On receipt of the draft, the Certifying Officer shall initiate to certify the Standing Orders in accordance with the procedure laid down in Section 5 of the Act which, *inter-alia*, provides that all the registered trade unions, and in the absence of the registered trade unions, five elected representatives of the workmen, shall be given an opportunity to raise objections to the proposed draft Standing Orders. The Certifying Officer is also required to ensure that provision is made in the Standing Orders for every matter set out in the Schedule applicable to the industrial establishment and the Standing Orders are in conformity with the provisions of the Act. For this purpose, the Certifying Officer shall adjudicate upon the fairness or reasonableness of the Standing Orders and shall then certify them and send, authenticated copies together with the orders referred to above, to the parties within 7 days from the date of his orders. The Certified Standing Orders become enforceable on the expiry of 30 days from the date on which the authenticated copies of the same are sent to the parties provided no appeal has been preferred against them. Certifying Officers and appellate authorities have been vested with powers of Civil Courts for the purpose of receiving evidence, administering oath, enforcing the attendance of witnesses and compelling the discovery and production of documents and are deemed to be civil courts within the meaning of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (2) of 1974.

4. Modification of Standing Orders

Under Section 10 of the Act the provision exists for modification of the Certified Standing Orders. The Standing Orders can be modified even before expiry

of the prescribed time limit of 30 days provided both the management and its workmen agree for it. An employer or workmen or trade union or other representative body of workmen desiring the change can apply for modification of standing orders to the Certifying Officer. The procedure for submission of application for modification is the same as for initial certification under the Act. When it is proposed to make modifications by agreement between the employer and workmen, a certified copy of that agreement has also to be filed along with application for modification.

5. Enforcement of the Act

The Act makes provision for appointment of Inspectors for its strict enforcement. The following offences are punishable under Section 13 of the Act and the Central Industrial Relations Machinery is to take suitable action wherever infringements of the provisions come to their notice:

- (i) Failures on the part of an employer to submit draft Standing Orders as per the requirement under Section 3 of the Act.
- (ii) Modification by employer of the Certified Standing Orders otherwise than in accordance with the prescribed procedure, and
- (iii) Any action of the employer, which is in contravention of the provisions of the Certified Standing Orders.

6. Progress of Certification/Modification of Standing Orders during 2021 and 2022

The details of establishments covered under Industrial Employment (Standing Orders) Act, 1946 along with the progress of Certification/Modification of Standing Orders during the years 2021 and 2022 are given in **Table-I**. It reveals that the percentage of establishments having certified Standing Orders in respect of all or a group of employees at the end of year out of the total number of establishments covered under the Act has increased from 29.41 percent in 2021 to 31.47 per cent in 2022. Similarly, the proportion of workers employed in these establishments out of total number of workers employed in the establishments covered under the Act also increased from 44.74 to 50.05 percent.

7. State-wise progress of Certification of Standing Orders during 2022

State-wise details of establishments covered under the Industrial Employment (Standing Orders) Act, 1946 and workers employed therein during the year 2022 are presented in **Table-II**. During 2022, a total of 101628 establishments employing 9909370 workers were covered under the purview of Industrial Establishments (Standing Orders) Act, 1946 in all the States/Union Territories furnishing returns. In beginning of the year 2022; 31014 (30.52% of total establishments) establishments employing 4709210 (47.52% of total workers) workers were having certified standing orders in all or only group of employees in all the States/Union Territories. During 2022; 1099 applications for certification of Standing Order were received, however, 1480 number of application of establishments were already pending with concerned authorities at the beginning of year During 2022; 1045 applications were disposed of and at the end of 2022; 1534 applications were still pending and 31987 (31.47%) establishments employing 4960108 (50.05%) workers were having certified Standing Orders in respect of all or only a group of employees.

Out of the total 1480 number of applications pending at the commencement of the year, the maximum 292 (19.73%) applications were in State of Himachal Pradesh followed by Uttarakhand 245 (16.55%), Uttar Pradesh 157 (10.61%) Assam 121 (8.18%) and Odisha 111(7.5%). Out of the total 1099 applications for certification received during the year 2022 maximum number i.e. 373 (33.94%) were received in the state of Tamilnadu followed by Haryana 247 (22.47%), Uttar Pradesh 143 (13.01%) and Karnataka 78 (7.10%). Out of total 1045 applications during 2022, the maximum applications i.e. 319 (30.53%) were disposed of by the State of Tamil Nadu followed by Haryana 244 (23.35%) and Uttar Pradesh 141 (13.49%). At the end of the year 2022, the State of Tamil Nadu had the maximum number of establishments having certified Standing Orders i.e 11212 (35.05%) followed by, Uttar Pradesh 7392 (23.11%), Haryana 2942 (9.20%) and Karnataka 2125(6.64%). The number of employees covered were highest in Tamil Nadu i.e. 1261049 (25.42%) followed by Assam 729963(14.73%), Uttar Pradesh 625071(12.60%) Karnataka 611406(12.33%) and Haryana 500161(10.08%).

8. State-wise progress of Modification of Standing Orders and disposal of

appeals during 2022

Table - III reveals that during 2022, out of 197 applications (58 from previous year and 139 received during 2022) for modification of Standing Orders, 100 applications were disposed of. The maximum number of 58 applications was disposed of by Tamil Nadu followed by Andhra Pradesh 10 applications. Out of 16 appeals (13 from previous year and 3 appeals received during the current year), no appeals were disposed of against the orders of Certifying Officers during the year 2022.

9. Limitations of Statistics

The report is based on the information received from 18 States and 5 Union Territories, whereas the Act extends to whole of India. There are States/UTs/Agencies, like Bihar, Manipur, Punjab, West Bengal, Leh Ladakh have not submitted the annual returns. Similarly, there are States/UT"s viz. Nagaland, Sikkim, C.L.C Delhi and Union Territories of Dadra & Nagar Haveli and Daman & Diu, where the Act has not been enforced. As regard the information pertaining to Chhattisgarh and Madhya Pradesh State, it may be treated as "NIL" because the Industrial Employment (Standing Orders) Act, 1946 is not in vogue in the State, as the State Act, "the Industrial Employment (Standing Orders) Act, 1961" is encored and applicable there. States of Arunachal Pradesh, Mizoram, and UT Lakshadweep submitted "-" Nil data in annual returns. In view of this, all-India figures in the report may not be comparable over the years as the responding States/UT"s vary from year to year.

Table - I Progress of Certification/ Modification of Standing Orders during the years 2021 and 2022

Item	Sphere	Year		Percentage Increase or Decrease	
		2021	2022		
1	2	3	4	5	
1	No. of Establishments covered under the Act	State	104850	101628	-3.07
2	No. of workers employed in the Establishments	State	10565015	9909370	-6.21

	covered under the Act				
3	No. of Establishments having Certified Standing Orders at the end of the year	State	30835 (29.41)	31987 (31.47)	3.74
4	No. of workers employed in establishments having Certified Standing Orders at the end of the year	State	4727220 (44.74)	4960108 (50.05)	4.93
5	No. of applications pending for certification at the end of the year	State	1526	1534	0.52
6	No. of applications pending for modification of Standing Orders at the end of the year	State	126	97	-23.02
7	No. of appeals pending against orders of Certifying Officers at the end of the year	State	15	16	6.67

- Note. 1. Figures in brackets against items 3 & 4 indicate percentages to corresponding figures against items 1 & 2 respectively.
2. Percentage increase or decrease in case of Central Sphere totals could not be worked out due to the non-availability of information for the years 2021 and 2022

Table - II

State-wise progress of Certification of Standing Orders during 2022

State/Union Territory		Establishments covered under the Industrial Employment (Standing Orders) Act		Establishments having Certified Standing Orders in respect of all or only a group of employees at the beginning of the year		Number of applications for certification either for all or any group of employees in respect of establishments (i) which had Standing Orders only for a group or groups of employees (ii) which had no certified Standing Orders				Establishments having certified Standing Orders in respect of all or only a group of employees at the end of the year	
		Number	Number of employees covered	Number	Number of employees covered	Pending at the commencement of the year	Received during the year	Disposed of during the year	Pending at the end of the year	Number	Number of employees covered
1		2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh	1227	259386	1184	241983	10 (0.68)	41 (3.73)	48 (4.59)	3	1227 (3.84)	259386 (5.25)
2	Assam	2434	801063	1746	729963	121 (8.18)	26 (2.37)	26 (2.49)	121	1772 (5.54)	729963 (14.73)
3	Goa	2023	122068	257	29310	69 (4.66)	3 (0.27)	1 (0.10)	71	258 (0.81)	29519 (0.60)
4	Gujarat	21944	1409381	122	37441	3 (0.20)	15 (1.36)	15 (1.43)	3	137 (0.43)	53559 (1.08)
5	Haryana	10417	1603941	2744	471113	47 (3.18)	247 (22.47)	244 (23.35)	50	2942 (9.20)	500161 (10.08)
6	Himachal Pradesh	2697	330730	421	50780	292 (19.73)	5 (0.45)	26 (2.49)	271	447 (1.40)	51380 (1.04)
7	Jharkhand	1032	206687	285	37225	2 (0.14)	5 (0.45)	6 (0.57)	1	291 (0.91)	38201 (0.77)
8	Karnataka	2495	444233	2048	583015	49 (3.31)	78 (7.10)	77 (7.37)	50	2125 (6.64)	611406 (12.33)
9	Kerala	1544	307541	252	45137	40 (2.70)	32 (2.91)	21 (2.01)	51	273 (0.85)	50576 (1.02)
10	Maharashtra	2566	627492	414	96893	96 (6.49)	25 (2.27)	20 (1.91)	101	414 (1.29)	96893 (1.95)
11	Meghalaya	5	357	5	224	-	-	-	-	5 (0.01)	357 (0.01)
12	Odisha	680	159979	367	99667	111 (7.50)	18 (1.64)	20 (1.91)	109	387 (1.21)	111185 (2.24)
13	Rajasthan	6338	840343	1270	291023	63 (4.26)	27 (2.46)	24 (2.30)	66	1294 (4.05)	304962 (6.15)

14	Tamil Nadu	29054	1834327	10893	1159041	45 (3.04)	373 (33.94)	319 (30.53)	99	11212 (35.05)	1261049 (25.42)
15	Telangana	1910	157737	331	53383	57 (3.85)	25 (2.27)	17 (1.63)	65	348 (1.09)	67440 (1.36)
16	Tripura	43	10360	21	3935	11 (0.74)	-	-	11	21 (0.07)	6031 (0.12)
17	Uttar Pradesh	12471	549823	7252	614699	157 (10.61)	143 (13.01)	141 (13.49)	159	7392 (23.10)	625071 (12.60)
18	Uttrakhand	1298	100435	1019	87980	245 (16.55)	29 (2.64)	33 (3.16)	241	1052 (3.29)	86526 (1.74)
19	A & N Islands	15	4097	15	4052	-	-	-	-	15 (0.05)	4097 (0.10)
20	Chandigarh	230	14536	67	8395	-	-	-	-	67 (0.21)	8395 (0.17)
21	Delhi	..	..	32	6582	-	-	-	-	32 (0.10)	6582 (0.13)
22	Puducherry	1108	106194	186	40586	53 (3.58)	4 (0.36)	- (-)	57	186 (0.58)	40586 (0.82)
23	Jammu & Kashmir	97	18660	83	16783	9 (0.61)	3 (0.27)	7 (0.67)	5	90 (0.28)	16783 (0.34)
Total		101628	9909370	31014 (30.52)	4709210 (47.52)	1480	1099	1045	1534	31987 (31.47)	4960108 (50.05)

NOTE: 1. Figures in brackets are percentages to total, - = Nil, .. = Not Available due to non-receipt of information
2. Percentages in brackets of Grand Total in cols. 4 and 5 as well as cols. 10 and 11 are with reference to cols. 2 and 3. Figures under Col.6 are not strictly comparable over the years as the responding States/UTs vary year to year.

Table-III
State-wise progress of Modification of Standing Orders
and disposal of appeals during 2022

State/Union Territory		Number of applications for modification of Standing Orders				Number of appeals against the orders of Certifying Officers			
		Pending at the commencement of the year	Received during the year	Disposed of during the year	Pending at the end of the year	Pending at the commencement of the year	Received during the year	Disposed of during the year	Pending at the end of the year
1		2	3	4	5	6	7	8	9
1	Andhra Pradesh	2	9	10	1	-	-	-	-
2	Assam	-	1	1	-	-	-	-	-
3	Goa	-	-	-	-	-	-	-	-
4	Gujarat	-	-	-	-	-	-	-	-
5	Haryana	-	-	-	-	-	-	-	-
6	Himachal Pradesh	4	5	3	6	-	-	-	-
7	Jharkhand	-	-	-	-	-	-	-	-
8	Karnataka	..	..	..	..	..	..	..	..
9	Kerala	1	26	8	19	-	-	-	-
10	Maharashtra	15	5	5	15	1	-	-	1
11	Meghalaya	-	-	-	-	-	-	-	-
12	Orissa	2	1	2	1	-	-	-	-
13	Rajasthan	4	10	3	11	6	3	-	9
14	Tamil Nadu	1	73	58	16	2	-	-	2
15	Telangana	7	3	4	6	-	-	-	-
16	Tripura	-	-	-	-	-	-	-	-
17	Uttar Pradesh	-	-	-	-	-	-	-	-
18	Uttarakhand	18	6	6	18	2	-	-	2
19	A & N Islands	-	-	-	-	-	-	-	-
20	Chandigarh	..	..	..	..	..	..	..	..
21	Delhi	-	-	-	-	-	-	-	-
22	Puducherry	2	-	-	2	2	-	-	2
23	Jammu & Kashmir	2	-	-	2	-	-	-	-
Total State Sphere Undertakings		58	139	100	97	13	3	0	16
Total Central Sphere Undertakings		..	..	..	..	..	..	..	..
Grand Total		58	139	100	97	13	3	0	16

.. = Not Available due to non-receipt of information, -: Nil,

NOTE: Figures under Col. 2 and Col. 6 are not strictly comparable over the years as the responding States/UTs vary year to year.

© Government of India

2024

Labour Bureau, Chandigarh- 160036