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DECODING STANDING ORDERS VIS-À-VIS INDUSTRIAL RELATIONS CODE, 2020

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ABSTRACT

This paper examines how the *Industrial Relations Code, 2020* marks a pivotal shift in India's labor law framework by consolidating and revising key legislations, including those relating to standing orders. Standing orders serve as a vital mechanism for defining the terms and conditions of employment, ensuring procedural transparency, and regulating workplace conduct within industrial establishments. This research critically analyzes the changes introduced under the new Code, evaluating their legal implications, practical challenges, and potential impact on employer-employee relations.

This academic piece of work also underlines a comparative analysis of the revised provisions with those under the earlier legislation—*The Industrial Employment (Standing Orders) Act, 1946*—to highlight the continuity and divergence in regulatory approach. Through the examination of relevant case law, the paper underscores the significance of the principles of natural justice as an essential component of standing orders. Additionally, it explores the practical aspects of implementing the new provisions in the commercial landscape, identifying the key challenges faced by industries in adapting to the updated regulatory regime. Overall, the paper aims to provide a comprehensive understanding of how the new legal framework shapes the future of industrial discipline and workplace governance in India.

KEYWORDS – Industrial Relations Code, 2020, The Industrial Employment (Standing Orders) Act, 1946, Standing Orders, Comparative Analysis, Employer-Employee Relations

I. INTRODUCTION

Indian labor law has consistently sought to uphold social, political, and economic justice, in accordance with the Constitution. Its primary objectives are to protect vulnerable sections of society by promoting equal opportunities for all, regardless of caste, creed, religion, or belief, and to foster economic growth by improving the business environment while safeguarding worker's rights. By striking a balance between these competing interests, labor law aims to prevent exploitation, enhance labor standards, and maintain industrial peace, ultimately contributing to a more harmonious and productive work environment.

Industrial relations refer to the complex interactions between employers, employees, and their representative bodies within the workplace or industry. This relationship includes communication, negotiation, collective bargaining, and dispute resolution. Effective industrial relations help create a positive work culture, ensure a healthy work environment, and protect the interests of both parties.¹ By promoting cooperation and mutual understanding, they contribute to higher productivity, greater job satisfaction, and a more harmonious workplace.

India's economic growth, driven by commerce and industry, has positioned it as one of the world's fastest-growing economies, with an impressive annual growth rate of 8.7% in 2021, according to World Bank data. A harmonious relationship between management and workers is pivotal for industrial growth². Since gaining independence, India's industries have undergone significant transformations. The government has made concerted efforts to reform laws, enacting and amending legislation to foster harmonious industrial relations. Notable laws, including the Industrial Disputes Act (1947), Trade Union Act (1926), and Industrial Employment (Standing Orders) Act (1946), aim to balance labor rights with economic growth. The present "The Code on Industrial Relations, 2020", consolidates these acts, streamlining implementation and promoting a conducive business environment while safeguarding worker's rights.³

¹https://www.legalserviceindia.com/legal/article-4220-a-summary-on-existing-labour-laws-in-india.html#google_vignette

² <https://www.ijnrd.org/papers/IJNRD2306228.pdf>

³ <https://www.scconline.com/blog/post/2021/02/08/deciphering-chapter-iv-of-the-industrial-relations-code-2020-a-case-of-legislative-conundrum/>

II. RESEARCH QUESTION

1. How has the Industrial Relations Code, 2020 redefined the framework of standing orders in India?
2. How does the treatment of standing orders in the Industrial Relations Code, 2020 differ from the provisions under the Industrial Employment (Standing Orders) Act, 1946?
3. How do standing orders under the new Code influence disciplinary procedures, workplace conduct, and employee protections?
4. How have trade unions and labor organizations responded to the changes in standing orders under the Industrial Relations Code, 2020?

III. UNDERSTANDING STANDING ORDERS

In the domain of Labor Law, Standing Orders refer to a comprehensive set of regulations that govern the terms and conditions of employment, as well as the conduct of both workers and employers within an industrial establishment. These orders serve as a vital framework, providing clarity and consistency to employment conditions by outlining specific guidelines and expectations for various aspects of the employment relationship.⁴This includes, but is not limited to, work hours, holidays, workplace behavior, disciplinary procedures, and other essential facets of employment. By establishing clear rules and procedures, standing orders help to promote a stable and productive work environment, minimize disputes, and ensure that the rights and responsibilities of both employers and employees are well-defined and respected⁵. Ultimately, standing orders play a crucial role in maintaining industrial harmony and fostering a positive employer-employee relationship.

Section 2 (zj) ⁶of the Industrial Relation Code, 2020 defines standing orders as “orders relating to matters set out in the first schedule”. The first schedule States eleven matters which are as follow: -

- 1) *classification of workers;*
- 2) *mechanism of intimidating attendance, wage rates, etc;*
- 3) *shift working;*
- 4) *attendance and late coming;*

⁴https://www.researchgate.net/publication/344711011_Industrial_Relations_Code_and_Standing_Orders_Act_A_Deregulation_that_Spells_Chaos_and_Hurts_Workers

⁵ <https://www.lawrbit.com/article/standing-orders-in-india-scope-objectives-and-its-applicability/>

⁶ The Industrial Relations Code, 2020, § 2 (zj), No. 35, Acts of Parliament, 2020 (India).

- 5) *condition and procedure for leave application;*
- 6) *requirement to enter premises by certain gates, and liability to search;*
- 7) *non-functioning of certain areas and related rights and liabilities;*
- 8) *condition relating to termination;*
- 9) *misconduct related provisions;*
- 10) *mechanism for redressal and;*
- 11) *any matter notified by the appropriate government.*⁷

SINGNIFICANT CASE LAWS FOR INSIGHT

1. In the case of **BAGALKOT CEMENT CO. LTD VS R. K. PATHAN & ORS**⁸ Supreme Court gave a ruling in respect of the nature of standing order as when it deals with the terms of employment and make the term precise then these orders when certified becomes statutory in nature.
2. In another case **BUCKINGHAM AND CARNATIC CO. LTD VS VENKATIAH, (1964)**⁹ Supreme Court held that The certified standing orders are binding on the employer and the employees as a private contract after the certificate of the standing order they must be followed as terms and condition of a contract.
3. In **KISHORE JAIKISHANDAS ICCHAPORIA VS M.R. BHOPE, PRESIDING OFFICER, LABOUR, (1994)**¹⁰ it was ruled that standing order empowers the employer or workmen authorized representative of workman or trade union to approach labour court and rays any question regarding the application or interpretation of the standing order or model standing order or amendment in certified standing order.
4. In the recent case of **BHARTIYA KAMGAR KARMACHARI MAHASANGH VS JET AIRWAYS LTD, (2023)**¹¹ supreme court held that where the respondent owned and operated aviation companies he entered into a contract with 169 temporary workman and specified in his model standing order that after completing 240 days of their employment they will be considered as permanent employees. After passing of 240 days of employment they were still treated as temporary the union trade decided to take action against the practices of the employer. The supreme court held that the

⁷ The Industrial Relations Code, 2020, First Sch., No. 35, Acts of Parliament, 2020 (India)

⁸ AIR 1963 SC 439

⁹ AIR 1964 SC 1272

¹⁰ AIR 1994 II ILLJ 406 Bom

¹¹ AIR 2023 SC 646

provisions of standing order would be applied and gave decision in favour of the trade union.

5. **IN UNION OF INDIA VS K.SURI BABU, (2023)** ¹²the Supreme Court held that the standing order being the special laws over ruled all other laws the service condition are regulated by the standing order as far as disciplinary actions are concerned.
6. **M/S LAKSHMI PRECISION SCREWS LTD VS RAM BHAGAT, (2002)**¹³ In this case the standing order of the company states that if a workman is absent for 10 consecutive days he will be deemed to have left the job a workman was absent for 4 days and was issued a notice by the employer to join back within 48 hours the supreme court held that the principle of natural justice are one of the requirements of standing order and must be observed to issuing notice to the workman in just 4 days where the standing order give provision of 10 consecutive days of absence is arbitrary and against the principle of natural justice.

IV. HISTORICAL BACKGROUND (OLD LAW)

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946, was enacted to regulate industrial establishments by mandating employers to draft standing orders that outline the working conditions of employees. To further implement the Act, the **Industrial Employment (Standing Orders) Central Rules, 1946**, were notified by the central government. In cases of non-compliance, employees can seek enforcement through labor or industrial courts. ¹⁴This legislation aimed to improve workers' quality of life by requiring enterprises to clearly define employment terms and conditions. Prior to the Act, working conditions were often chaotic, with employees facing exploitation due to ambiguous terms. The Act sought to address these issues uniformly across establishments, applying to industrial establishments with 100 or more workers, thereby promoting transparency and fairness in employment practices. **Section 1(3) in The Industrial Employment (Standing Orders) Act, 1946**¹⁵, **lays down about the applicability of the standing order** and states that it applies to *every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months. Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by*

¹² AIR 2023 SC 1033

¹³ AIR 2002 SC 340

¹⁴ <https://blog.ipleaders.in/understanding-standing-orders-industrial-relations-code/>

¹⁵ The Industrial Employment (Standing Orders) Act, 1946, § 1(3), No. 20, Acts of Parliament, 1946 (India)

notification in the Official Gazette, apply the provisions of this Act to any industrial establishment employing such number of persons less than one hundred as may be specified in the notification¹⁶.

V. THE INDUSTRIAL RELATIONS CODE,2020 (NEW LAW)

Recently the Parliament has enacted “THE INDUSTRIAL RELATIONS CODE,2020, which combines three acts and one of which is the INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946. It is an act which aim to consolidate and amend the law relating to trade unions, conditions of employment in industrial establishment, investigation and settlements of industrial disputes. The Second National Commission on labour, which submitted its report in June 2002 and recommended that the existing set of labour laws should be broadly categorized into various groups. In pursuance of the recommendations of the said commission relating to industrial relations and deliberations made in the tripartite meeting comprising of the government, employers and the industry representatives, it was decided to bring the proposed legislation.¹⁷

Thus with the enactment of the Industrial Relations Code, 2020, there have been changes in the provisions relating to standing orders. The provisions of the former law have now become a part of the Code and are dealt with in Chapter IV of the Code from Sections 28 to 39. Some of the changes that has been incorporated by the adoption of this new code are as follows:¹⁸

ANALYSIS BETWEEN NEW AND OLD LAW

SUBJECT MATTER	NEW LAW (IRC,2020)	OLD LAW (IEA1946)
STANDING ORDERS	SECTION – 28(1) Applies in an industrial establishment wherein 300 or more than 300 workers, are employed, or were employed on any day of the preceding twelve months. SECTION – 28(2)	SECTION – 1(3) Applies in an industrial establishment of 100 or more than 100 workers are employed or were employed on any day of the preceding twelve months. In most of States

¹⁶ <https://indiankanoon.org/doc/1343628/>

¹⁷ https://labour.gov.in/sites/default/files/ir_gazette_of_india.pdf

¹⁸ <https://www.ijnrd.org/papers/IJNRD2305642.pdf>

	<p>However, the provisions of Chapter IV shall not apply to an industrial establishment in so far as the workers employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government, apply</p>	<p>it has been fifty or even lesser workers</p>
	<p>The establishment has to prepare the Draft Standing Orders in accordance with the Model Standing Order within 6 months of commencement of the code with consultation of the negotiating union and its member and get it registered</p>	<p>There is no requirement to register Model Standing Orders.</p>

THE OBJECTIVES OF THE STANDING ORDERS UNDER (IRC, 2020) ARE -

1. Standardization: To establish uniform standing orders for factories, workers, and employer-employee relationships.
2. Define employment conditions: To precisely outline principal employment conditions in industrial establishments and make them known to employees.

3. Regulate conduct: To improve labor-management relations by setting standards of conduct for employers and employees.
4. Maintain discipline and productivity: To foster harmonious working conditions, proper discipline, and higher productivity through satisfactory employment conditions.
5. Grievance redressal: To provide a mechanism for addressing employee grievances related to unfair treatment or wrongful exaction by employers.
6. Specify duties and responsibilities: To clearly define the roles and responsibilities of both employers and employees.
7. Statutory sanctity: To confer statutory importance to the Standing Orders.
8. Promote industrial harmony: To support fair industrial practices and foster industrial peace and harmony.

VI. NEED OF CERTIFICATION OF STANDING ORDERS

The purpose of framing and Certifying Standing Orders is to regulate the conditions of employment, which, once officially certified, become binding on both the employer and employees¹⁹. In the context of Certified Standing Orders, the employer drafts a standing order based on the First Schedule, which is then submitted to the Certifying Officer for certification. Upon successful certification, the standing order becomes operative within the industrial establishment. During the certification process, which may take some time, Model Standing Orders, as prescribed by Section 29(2) of the code²⁰, (relating to conditions of service and other matters incidental thereto or connected therewith), are made applicable to ensure regulatory compliance. Notably, the Code allows industrial establishments to adopt these model standing orders, prepared by the Central Government under Section 29(1) of the code, by notifying the Certifying Officer in accordance with Section 30(3) of the Code, thereby providing flexibility and standardization in employment practices.²¹

In **RAJASTHAN STATE ROAD TRANSPORT CORPORATION VS DEEN DAYAL SHARMA, (2010)**²², the Court laid down that the certified standing orders framed under and in accordance with the Industrial Employment Act (Standing Orders), 1946 are statutorily imposed conditions of service and are binding both upon the employers and employees, though

¹⁹ <https://thelegalquotient.com/labour-laws/standing-orders-meaning-and-objects/5498/>

²⁰ The Industrial Relations Code, 2020, § 29(2), No. 35, Acts of Parliament, 2020 (India)

²¹ <https://www.scconline.com/blog/post/2021/02/08/deciphering-chapter-iv-of-the-industrial-relations-code-2020-a-case-of-legislative-conundrum/>

²² AIR 2010 SC 2662

they don't amount to statutory provision. Any violation of these standing orders entitles an employee to appropriate relief either before the forums created by the Industrial Disputes Act or the civil court where recourse to civil court is open according to the principles indicated herein.

In **JABALPUR DEVELOPMENT AUTHORITY VS SHARAD SHRIVASTAVA, (2005)**²³ the Court observed that the certified standing orders represent the relevant terms and conditions of service in a statutory form and they are binding on the parties at least as much, if not more, as private contract embodying similar terms and conditions of service.

VII. PROCESS FOR CERTIFICATION

Section 30 of the Code²⁴ details the method for certifying standing orders. The steps are as follows:

1. The employer shall develop a draft standing order by the First Schedule and the provisions of the Code, taking into account any comments from trade unions or employee representatives.
2. He must then send the drafted standing order to the Certifying Officer, either electronically or in any other manner specified.
3. On receipt of the drafts, the Certifying Officer shall forward them to trade unions or employee representatives and, if necessary, make appropriate changes within sixty days.
4. If the Certifying Officer does not protest within the specified time frame, the drafted standing order is presumed to have been certified and is enforced at the business.
5. Furthermore, an industrial establishment may choose to use the model standing order, in which case the employer must notify the Certifying Officer, and such model standing order will be regarded to be the establishment's certified standing order if approved by the Certifying Officer (who can also make certain modifications).²⁵

VIII. PROCEDURE FOR AMENDING STANDING ORDER

The process of making changes to the standing order is defined in **Section 30(4) of the Code** as *The employer shall prepare the draft of the modifications required in the standing order, if*

²³ (2005) 1 I.L.L.J. 304

²⁴ The Industrial Relations Code, 2020, § 30, No. 35, Acts of Parliament, 2020 (India)

²⁵<https://www.latestlaws.com/articles/standing-orders-under-industrial-relations-code-2020-explained-185687/>

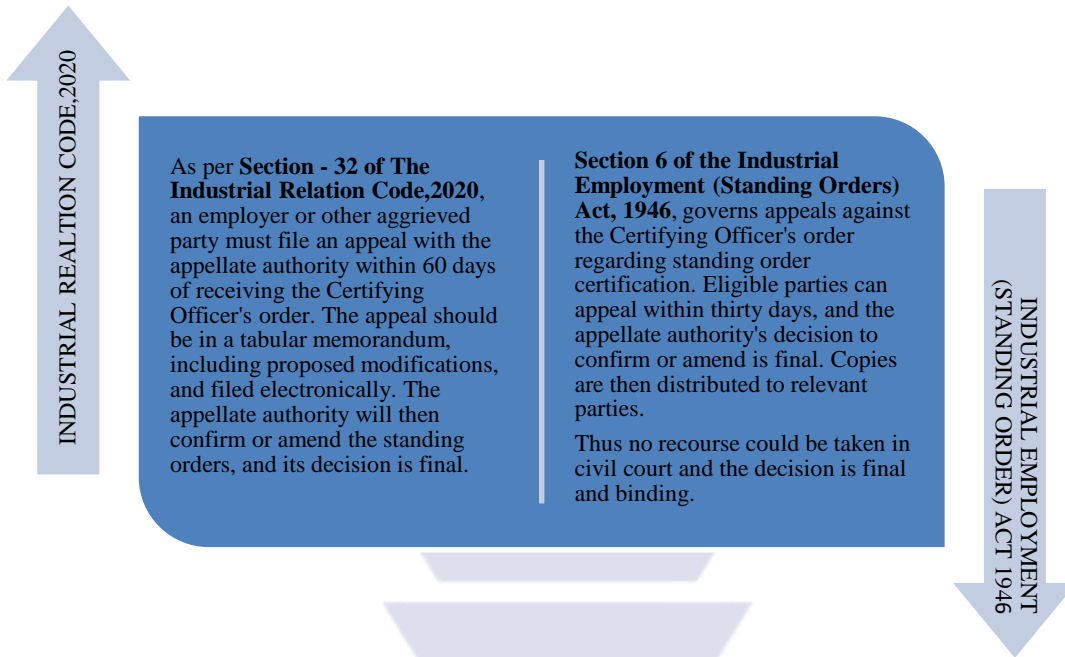
any, in accordance with the provisions of this Code and forward electronically or otherwise to the certifying officer for certification of those modifications only within a period of six months from the date, the provisions of this Chapter becomes applicable to his industrial establishment²⁶. On receipt of the drafts referred in sub section - 4 of section 30 the certifying officers and issue notice to the trade union or negotiating union of the industrial establishment or representatives of the worker of the industrial establishment for seeking their comment in the matter and after receiving their comment and giving them a reasonable opportunity of being heard, may decide as to whether or not any modification or edition to such draft standing order is necessary or not and may give approval accordingly.

IX. APPEAL

An employer, trade union, or nominated representative aggrieved by the certifying officer's order may appeal to the Appellate Authority within sixty days of the Standing Orders' service. The Appellate Authority, appointed by the government through Official Gazette notification, has the power to confirm or amend the certified order by making necessary modifications or additions.²⁷ However, it lacks the authority to set aside the certifying officer's orders. The Appellate Authority's decision is final, with no further appeal or revision permissible. The Code mandates that the Appellate Authority send copies of its orders to the certifying officer, trade union, employer, or prescribed workmen's representative within seven days, unless the order is confirmed without amendment. This ensures transparency and compliance with the statutory framework.

²⁶ The Industrial Relations Code, 2020, § 30(4), No. 35, Acts of Parliament, 2020 (India)

²⁷ <https://www.hrinfo.in/2021/01/experts-views-on-industrial-relations.html?>



X. CRITICAL ANALYSIS OF IMPLIMENTATION OF NEW PROVISION OF STANDIG ORDER UNDER IRC,2020

Trade unions and labor organizations in India have strongly opposed the changes to standing orders introduced under the Industrial Relations Code, 2020. Their primary concern is that the revised provisions significantly dilute workers' rights and shift the balance of power in favor of employers.²⁸ One of the most criticized changes is the increase in the threshold for the applicability of standing orders from 100 to 300 workers. This effectively exempts a large number of establishments from the obligation to formulate standing orders, thereby leaving many workers without formal protections regarding service conditions, disciplinary procedures, and workplace rules.

Additionally, trade unions have expressed apprehension over the introduction of government-prescribed model standing orders, which can be automatically deemed certified if adopted by the employer. Unions argue that this bypasses the traditional process of negotiation and consultation with worker representatives, weakening collective bargaining.²⁹ There is also concern that the standardization of standing orders through model templates could ignore sector-specific or establishment-specific needs, eroding the flexibility to address local labor

²⁸ <https://thewire.in/labour/peoples-union-for-democratic-rights-industrial-relations-code>

²⁹ <https://indianexpress.com/article/explained/govts-new-versions-of-labour-codes-key-proposals-and-concerns-6603354/>

issues.³⁰

Furthermore, labor organizations have criticized the Code for failing to ensure meaningful participation of unions in the certification process of standing orders. They view these changes as part of a broader pattern of labor law reforms that prioritize ease of doing business over the protection of workers’ rights. As a result, multiple national-level trade unions have organized protests, strikes, and joint campaigns demanding the repeal or amendment of the new labor codes, including the Industrial Relations Code. Overall, the response has been one of strong resistance, with unions calling the changes anti-worker and warning of long-term consequences for industrial relations in India.³¹

Summary Table: Trade Union & Labor Responses³²

ISSUES	UNION/EXPERT CONCERN
Higher threshold (300 workers)	Limits applicability of standing orders; exempts many workplaces from regulatory norms.
Model standing orders	Uniformity may ignore local contexts and weaken worker protections.
Certifying process changes	Adds employer control, reducing neutrality and worker input.
Subsistence allowance	Shift from statutory right to conditional right dilutes protections
Recognition thresholds	High thresholds (51%, 20%) fragment union strength and restrict representation

XI. CONCLUSION (THE STRATEGIC IMPORTANCE OF STANDING ORDERS IN ORGANIZATIONAL EXCELLENCE)

Standing orders serve as the backbone of effective governance across all types of organizations—be it governmental, corporate, or non-profit. These formalized directives outline the protocols, procedures, and decision-making frameworks that guide daily operations. By establishing clear and consistent expectations, standing orders not only ensure transparency

³⁰https://www.researchgate.net/publication/344711011_Industrial_Relations_Code_and_Standing_Orders_Act_A_Deregulation_that_Spells_Chaos_and_Hurts_Workers

³¹<https://www.reuters.com/world/india/thousands-protest-across-india-seeking-repeal-labour-codes-2024-09-23/>

³² <https://www.sconline.com/blog/post/2020/10/25/decoding-the-industrial-relations-code-2020/>

and accountability but also cultivate a culture of cohesion and mutual understanding within the organization.

At their core, standing orders are more than administrative tools—they are enablers of organizational harmony and efficiency. By delineating roles and responsibilities, they offer a reliable reference point for all members, significantly reducing ambiguity and internal friction. This clarity accelerates decision-making, curtails unnecessary deliberation, and enhances overall productivity. In environments where time and clarity are paramount, such operational coherence is invaluable.

Moreover, standing orders streamline internal communication by setting standardized channels and procedures. When everyone operates from a shared framework, collaboration becomes more intuitive and less encumbered by procedural uncertainty. The result is an agile, responsive organization capable of executing decisions with precision and confidence. However, the true effectiveness of standing orders lies in their capacity to evolve. In today's fast-paced and ever-shifting landscape, relevance is key. Static or outdated protocols can hinder progress and stifle innovation. To avoid this, organizations must view their standing orders as living documents—subject to regular review, thoughtful revision, and strategic alignment with emerging goals, regulatory shifts, and external challenges.

In conclusion, standing orders are indispensable instruments in the architecture of sound organizational governance. They provide structure, foster accountability, and enable informed decision-making.