In the present study an attempt has been made to examine critically the conditions of labour from the point of view of labour policy and its effectiveness right from ancient period till today and also to make suggestions to overcome the shortcomings identified in the process. It has also been the endeavour of the present study to visualise the future of labour policy and its effectiveness in the 21st century and also to fill up the gap existing in the literature available on the topic.

The present study has been divided into 10 chapters. Some of main findings of the present work are as follow:

Chapter I deals with the hypothesis, objectives, research methodology, literature review, the concept, meaning and other implications of labour policy. The hypothesis of the present work is that despite the efforts made by every successive government, their labour policy has not proved effective to deliver the goods to the desired extent and, therefore, much is left to be desired. The research methodology comprises the collection of the required material from different manuscripts, books, journals, newspaper clippings, Five Year Plans, Constitution of India, Reports of the concerned Committees and Commisions, other Government and non-Government publications, I.L.O. publications, etc. Interviews and discussions were also held with certain experts, government officials, workers and their trade union leaders, managers, political leaders, etc. so as to know their view points on the
labour policy and its effectiveness. Having collected the required material and various view points from the concerned sources, the same were compiled and analysed. Based on this, certain conclusions were drawn and suggestions made.

Having referred to various studies, books, research articles, etc. on the concerned topics, the concept and meaning of labour policy has been discussed. It has been pointed out that by 'labour policy', we mean the course of action by which a set of principles, policy and programmes are adopted by any party or Government for the advantage or welfare of the working class. However, labour policy is an integral part of public policy and is basically confined to the working class and its problems like working and living conditions, social security, welfare, industrial relations, labour productivity, trade unions, retrenchment and lay off, etc. It has also been mentioned that the labour policy, as it is understood today, has been the creation of industrial revolution and the complexities of the modern society. However, this does not necessarily mean that there had been no labour policy in the ancient and medieval period. Though it was hardly outlined in a formal manner yet we can definitely form an idea about the approach of state towards labour from the traditions, conventions and practices prevalent during the aforesaid periods. Thus, the concept of labour policy has been pretty old.

Chapter II holds mirror to the fact that the golden age of Gupta period contributed significantly towards the development of the so-called labour policy but the caste system which had established itself fully by the beginning of 800 B.C. did criss-cross the entire period under review with its cursed shadow. The
Shudras could not come out of their social cocoon in which they felt suffocated morally as well as economically. Even the teachings of Lord Buddha could not ameliorate the lot of this oppressed class. Kautilya did try to reform the conditions of the labour class and to lift the Shudras out of the quagmire of social ignominy, but his efforts proved futile because of the prevalent blind faith in Vedic caste-system. The labour policy conceived and propounded by Kautilya proved ineffective during the period of Ashoka. However, during the Mahabharat and Manu period and in the later Gupta period, the lot of the working class underwent some improvement. It may surprise many among us, but it is true that the basic germination of the modern unionism can be traced in the guilds of Gupta period. Both the agricultural as well as technical workers such as artisans flourished to some extent in this period. But the pity was that forced labour and slave labour continued to be a cancer spot on the body politic of labour problem in our country. Hence this period can be called a period of mixed fate for the labour class — progress and retrogression continued hand in hand.

Chapter III bears out that during the Medieval period, the overall condition of labour was quite poor. Social norms and legal regulations were helpful to those whose sole object was to oppress the downtrodden for their own advantage. The medieval rulers were more or less uninterested and indifferent to the upliftment of the miserable and the backward section of society. The Shudras were economically poor, socially backward and morally degenerated. There was no hope for them to rise in life. They were looked down upon by the people belonging to the ruling classes. Social customs and rites considered them untouchables and thus Satanic.
The caste-ridden policies of the ancient time continued to dominate even in the medieval period. No doubt the professions of upper classes often got mixed up but the fate of the labour class, mostly belonging to the untouchables, did not undergo much change. Peasants, weavers, fishermen and leather workers had to be at the mercy of the rich even for crumbs. During this period, the art of artisans developed to great heights, but materially they were not better off at all. Peasants were overburdened with taxes and they could not eat the food of their choice, though they produced food with the sweat of their brow. Some of the Muslim rulers did try to improve their lot but the fruit of their efforts did not reach the poor peasants and rural labour because of the ulterior motives of Jagirdars and big landlords owing to the feudal system prevalent in those days. Consequently, the conditions of the agricultural workers and rural artisans hardly showed any marked improvement.

Chapter IV brings out very clearly that the Britishers enacted labour laws ostensibly for the benefit of the labour class but, in reality, for their own advantage with ulterior motives. However, some individual efforts deserve to be taken note of with admiration. Warren Hastings, an important Governor General of India, made sincere efforts to reform the conditions of agricultural labour. Lord Cornwallis took initiative and tried to encourage scientific experimentation in agriculture. But, on the whole, the British policy of labour legislation was not conducive to the welfare of the labour class. The English were more interested in economic prosperity of their own than in the financial wellbeing of those who worked for them from dawn to dusk.
Every law enacted by the British rulers aimed at concentration of wealth in the hands of the capitalists with white skin and the British origin. If in this endeavour, some short-term gains proved beneficial for the Indian labour, it was essential because it provided a suitable platform and infra-structure to the English to launch big economic programmes in Britain so as to keep Union Jack flying aloft their colonies, where labour was cheap and ignorant. The British rulers sought to export the fruit of the labour of Indian workers to make United Kingdom prosperous. The rapid progress of the Indian industry and crafts suffered a set back because the Britishers did their best to convert the Indian industrialists into suppliers of raw material for British industrial units mostly in Manchester.

Being traders to the backbone, the Britishers treated the Indian labour in an inhuman manner. The Indian natives were no better than beasts of burden for them. The revenue was collected in a most barbarian way. From the Governor General of India to a petty 'patvari' sought to exploit the poor peasants and the hard-pressed labourers to make the white-skinned people prosperous. However, one of the main features of this period was that the workers started organising themselves to protest against their appaling conditions and tried to bring amelioration in their working conditions. The Indian trade union movement gained strength mainly through the efforts of political leaders, who on the crest of political euphoria managed to break many barriers that obstructed the way of labour welfare in general and industrial workers in particular. The movement though quite weak did attract international attention. But the movement did not bring any substantial change in the lot of the workers. If the labour
legislation of post-independent India benefitted in an indirect manner from the initiatives taken during the British Rule, it was just coincidental and not due to any philanthropic policies of British regime.

Chapter V deals with direct and indirect sources of our labour policy with regard to modern industrial environment. Since the Vedic era, a large number of factors -- religious, social, political and economic -- have contributed to the evolutionary development of our labour policy. Today, workers have learnt to fight for their rights and the capitalists cannot exploit them in the name of Karma Theory that lays undue emphasis on fatalism. Various labour movements launched from time to time and a number of committees and commissions set up by the authorities did aim at improving the lot of the workers. Today, labour laws in India, at least in theory, seek to bring real improvement in the life of those who toil hard for the welfare of others.

There is no denying the fact that the two factors, International Labour Movement and International Labour Organisation proved very important in giving a concrete shape to the activities of the working class on one hand and forced the Government to change their indifferent attitude regarding the conditions of working class, through persuasion and binding, on the other. A number of economists, social reformers and philanthropists gave their moral support to this noble cause and advocated international economic agreements by Governments to minimise the hardships of the working lot. The period 1830-1847 was the formation period for international labour movement. The idea of making common platform for workers in different countries of Western Europe and America dates back to this period. The
polical revolution in France and America, the Industrial Revolution in England and the long strides of man in the field of scientific development strengthened the workers in the Western World. The workers all over the European continent realised that they must organize themselves as a united force. The Communist Manifesto, a joint venture of Karl Marx and Engels heralded a new era in the history of labour movement. A large number of international organisations and associations came to existence to unite the labour force all over the world. These organisations got moral, economic and social support of all those reasonable persons who advocated the cause of equality among men. A few delegations of Indian workers were sent to attend the meetings of the trade unions of different countries. The delegations of workers from various countries also visited India to study the living and working conditions of the labourers employed in the industrial units and rural industries. The ideology of passive submission hitherto followed by the workers underwent a sea-change under the influence of the Socialist International and the Communist International. In free India, four major trade unions got affiliated to different international associations working for the solidarity of the workers.

The strenuous efforts made by various economists, social reformers and philanthropists for a period of more than a century paved the way for the establishment of a world-wide body that sought to bring the workers under one banner, the International Labour Organisation. This Organisation is the symbol of social justice, human dignity and peaceful industrial atmosphere. Its main object is the establishment of international standards for the betterment of those who work day and night for the betterment
of the world community. The International Labour Organisation has three organs that carry on its work for the welfare of the proletariats working indoors as well as outdoors. Its permanent secretariat in Geneva is International Labour Office, its executive is called the Governing Body, and the International Labour Conference is its supreme policy making body. The proposals made by the International Labour Conference take the form of either a Convention or a Recommendation. A Convention is either ratified or rejected as a whole. However, Recommendations can be implemented even in parts as the circumstances — political, social and economic — of a country permit and require. As a genuine labour inclined guild, the International Labour Organisation has launched a number of programmes for the upliftment of workers in different countries in almost every field. India has been the member of this organisation since its inception. The labour oriented policies of the I.L.O. have influenced, are influencing and will influence the labour policy and labour legislation in India to a very great extent.

Chapter VI focuses attention on the fact that after independence the Indian Government has paid a lot of attention to the improvement of the conditions of the industrial workers. Since independence, a number of labour legislations backed by a strong public support have done a good job for the amelioration of the labouring class though much remains to be done. The first major legislation was the Industrial Disputes Act, 1947 for the industrial disputes to be resolved with the interests of the workers in view. Its preamble points out that it is primarily an Act to make provisions for the investigation and settlement of industrial disputes. The legislation is calculated to ensure
social justice to both employers and employees and advance the progress of industry by bringing about harmonious and cordial relationship between the two components of industry. The Minimum Wages Act, 1948 aims at protecting labour against economic exploitation by the employers and lays down provisions with regard to fixation of minimum rates of wages in certain scheduled employments. The Employees' State Insurance Act enacted in 1948 provides for certain benefits to employees in case of sickness, employment injury, maternity problems faced by women during pregnancy and other related matters. In the same year, the famous Factories Act had its origin and brought a sea change in the working conditions of the industrial workers. It has provisions for health, safety and welfare of the working class. It has regulated working hours, made employment of children illegal and unlawful, and introduced the right of annual leave with wages. With the advent of this Act, the labourers found their condition somewhat better in factories. The Indian Mines Act, 1952 was enforced on February 15, 1952. This legislation brought the miners at par with the factory workers. The Act consolidates the law relating to regulation of labour and safety in mines. It provides among other things for shorter working hours, overtime emoluments and holidays with pay. It strengthens the provisions relating to safety and health of miners whose work involves great hazards. The Employees Provident Fund Act was also enacted in 1952 as a social security measure for the workers. It aims at making their future economically safe and sound. A Death Relief Fund has been set up with effect from 1st January, 1965 for arranging financial assistance to the nominees or legal heirs of the deceased worker. The concept of family pension has been given due weightage in the labour legislation in India. The families of industrial employees
covered under the Employees Provident Fund Act, 1952 have been given the benefit of family pension since 1971. This provision has saved a large number of families from becoming homeless and hopeless. The Maternity Benefit Act, 1961 was enacted for the welfare of working women who need complete rest during the last months of their pregnancy and for some time after the birth of their children. In the year 1965, the Government enacted the Payment of Bonus Act which enjoined upon the employers to pay some bonus to the labourers who contribute lion's share to the profits gained by the industrialists and factory owners. The provisions of this Act helped the Union Government to bridge the gap between actual wages and the need based wages in case of low paid workers. The Payment of Gratuity Act, 1972 entitles an employee to gratuity on superannuation or retirement or resignation on completion of five years continuous service. The gratuity is payable at the rate of fifteen days' wages for each completed year of continuous service rendered by the employee concerned. However, its amount cannot exceed in all, twenty months' salary calculated on the basis of wages last drawn. A number of other post-independence legislative measures aim at protecting this least favoured class of society. Shops and Commercial Establishments Act, the Apprenticeship Act, 1961 and the Personal Injuries (Emergency Provisions) Act, 1964 are some of the legislations that go a long way to prove that India is a welfare-State. Most of the labour laws are amended from time to time with the changing environments, techniques, devices and methods in the industrial world. Certain Acts enacted during the British Rule have been accepted by the Government of Independent India with required modifications. These codified laws are: the Workmen's Compensation Act, 1923, the Trade Unions Act, 1926, the Payment of Wages Act, 1936, the Industrial
Employment (Standing Orders) Act, 1946, etc. It is in the fitness of things to remark that the Government's outlook and attitude towards the problems of labour has undergone a healthy change in free India.

It is borne out by Chapters VII and VIII that there is much ado about little, if not nothing so far as the Government's initiative on the labour front is concerned. Our leaders are quite vociferous in their speeches about their fight against the economic exploitation of the poor, but they hardly make any sincere efforts to make the capitalists do economic justice to those who make them rich. Our political leaders make tall promises to work for the welfare of the depressed classes once they get a chance to serve the nation but the pity is that they do not care a fig for the masses after coming to power. A lot of din and noise about the 'Right to Work' filled our working class with hope, but so far nothing concrete has been done in this regard constitutionally, legally and socially. The economically backward masses are still living below subsistence level. Worker participation in management is a concept that the leaders make the best use of during elections in their eloquent speeches, but do nothing practical for implementing it when they are at the helm of affairs. It is in the fitness of things to quote a former Prime Minister who in a press-conference said that no purpose would be served by raising false hopes among the people by way of tall promises like "Right to Work" that would hardly be implemented. Mr. Mohan Dharia, the then Dupty Chairman of the Planning Commission considered the implementation of the "Right to Work" in the near future disastrous. Unless our political heavy weights take initiative, nothing concrete can be hoped for the betterment of the working class.
For a long time, trade union leaders have been raising the issue of the early formulation of the new Industrial Relations Bill and its expeditious passage. But so far, their efforts have not borne fruit. The red tapism, the greatest ill of a democratic set up, is proving to be a great hurdle in this matter. In April 1990, after a prolonged delay, a tripartite committee was appointed to formulate specific proposals regarding the role of workers in management of industrial units in the country. The Committee, thus appointed and headed by the INTUC President, G. Ramanujam, was to submit its proposals by July 31, 1990. But the Committee sought two extensions and it submitted its report only in October 1990. By that time, the National Front Government was tottering. The whole issue of industrial relations is hanging fire even today as unanimity has not been reached by the parties involved in it. The trade unions with leftist leanings do not support the views of the rightist trade unions. The differences that creep up from time to time complicate the matters and delay the necessary follow-up action by the Labour Ministry on the basis of reports submitted before it. So far as paper work is concerned, there is no dearth of legislation to protect the rights of workers. Almost all the vistas and fields of labour laws have been enacted by our Governments from time to time. Law makers have given due weightage to the welfare of the labour class at one or the other stage of policy formulation. All exigencies that can possibly arise in the life of labourer/worker have been thought of by the law makers. No doubt our labour laws do need revision, modification, review and amendment from time to time, but basic structure of the different laws leave hardly anything out. Still there is dissatisfaction, resentment and anger in the minds of most of the workers. We cannot deny the fact that most of the
workers are still underpaid, exploited and cheated by their
callous employers.

It is ironical but true that in spite of so much labour
legislation, the lot of labour class has not shown any
improvement. The employers exploit the loopholes in the legal
procedures with the help of legal experts to exploit the
employees. The exploited labourers fail to fight for long in the
courts to protect or get their rights. Moreover, the law enforcing
agencies do not implement the laws effectively for the welfare of
the downtrodden. Sometimes, these agencies fall victims to the
unfair means like hush money adopted by the capitalists.
Corruption is rampant and the employers make the best of it at the
cost of poor employees who have to live from hand to mouth.

It would be in the fitness of things to mention some of the
malpractices that make all the provisions of labour laws only a
farce. Laws are not implemented in their spirit and, consequently,
all hopes of the labour class are belied. The Factories Act, 1948
regulates the conditions of work and ensures adequate safety and
health of the workers. But the welfare of the workers, in this
regard, suffers a setback for want of thorough and periodical
inspection. The Factory Inspectors appointed for protecting the
rights of the workers protect the interests of the capitalists for
gratification received in kind or consideration. Some malpractices
like improper maintenance of records are quite common in big as
well as small industrial units in both public and private sectors.
The employers do not care a fig for the well-being of the poor
employees. The provisions of the Payment of Wages Act, 1936 are of
little use so far as small-scale industries and unorganised
industrial units are concerned. Quite ironically it is the Minimum
Wages Act, 1948 that does not define the term minimum wages — the very essence of the Act. A variety of rates with regard to wages paid to workers in various industrial set ups in different States are in vogue. Even in the same State, anomalies in wages exist to the utter dismay of the working class. The employers do not keep proper account of the remunerations paid to the employees and very often the ignorant and hard pressed workers are paid much less than their due, but they have to sign or put their thumb impressions on the amount shown in the register maintained by the employers. Workmen's Compensation Act, 1923 has no provisions for medical help, so essential for workers. Even the compensation paid to the employees for the damage suffered by them is often delayed inordinately. E.S.I. Act, 1948 is a first step towards the achievement of comprehensive scheme of social security for the downtrodden in India. However, its benefits do not reach adequately to those for whom this Act has been enacted. Doctors and other authorities in hospitals are indifferent to the ailing workmen and force them to buy medicines from the market. Maternity Benefit Act, 1961 has been codified to reduce the disparities relating to maternity protection under the various legislations in this field of labour welfare laws. However, under this Act women do not get free medical aid at the time of child birth. Moreover, it is really difficult for a woman to resume her duties just after six weeks of confinement. Owing to maternity problems faced by women, employers prefer employing unmarried girls, widows and women who cannot conceive. Employees Provident Fund is a great measure in the field of social security. But under this Act, the provisions for filing the claims are so cumbersome in procedure that delay in the clearance of claims put the needy in a lot of hardships and inconvenience.
The Industrial Disputes Act, 1947 is primarily an Act to make provisions for the investigation and settlement of industrial disputes. It aims at promoting the progress of industry by bringing about the existence of harmony and cordial relationship between the two mainstays of industry. But the upward trend of industrial disputes and class-conflict in India makes one shudder to think of the future of industrial units in which the employers and the employed are at daggers drawn with each other. Most of the industrial disputes are the outcome of non-payment of their due wages and allowances to the workers by the employers. The Conciliation Officers fail to resolve labour problems because of their incompetence and the ulterior motives with which they tackle these problems. The Industrial Employment (Standing Orders) Act, 1946 was enacted to regulate the conditions of recruitment, discharge, disciplinary action, holidays, etc. There is no doubt that such orders can be of great help to deal with the problem of industrial disputes and to reduce the number of these disputes. But mere legislation without proper implementation is futile in this field also. The Indian Trade Unions Act, 1926 aims at uniting the workers under the banner of solidarity. But outside leadership makes the offices of trade unions centres of their political activities. Multiplicity of trade unions also leads to disaster so far as workers are concerned. Rivalry between and among different trade unions in an industrial unit often results in violence that may prove to be fatal for some innocent workers.

Thus the quintessence of the study is that the laws become ineffective because the law enforcing agencies are hardly interested in making them a source of legal redress for the hard-pressed and exploited labourers. Legal awareness of their rights
is wanting in the working class. Unless they realise that laws are for their welfare, nothing concrete can be achieved in the field of labour legislation. Meaningful implementation of labour laws must be the watchword of all those who are at the helm of affairs.

As society has a dynamic nature, it can easily be envisaged that the next century shall be more complex, more radical and more challenging than the present one as far as the labour scenario and labour policy are concerned. So, if we wish to build better future for the smooth progress of the country, we shall have to lay foundation in the present and our labour policy should keep pace with the changes.

First of all, the worker of 21st century will be an awakened worker — more educated, more knowledgeable and more enlightened. He will be more conscious of his rights. As a result, the labour leaders will be more enlightened and more effective. On the other hand, with this change, it is likely that there will be a radical change in the attitude of the employers also because it will be clear to them, by then, that the money spent on the workers is always rewarding to the organisation.

It is expected that the Conventions and Recommendations suitable for the changing times would be speedily and readily adopted by the ILO in the interest of good industrial relations and welfare of labour. The attitude towards the labour problems will be more sympathetic because of the spurt in the organisation of national and international seminars and conferences on different aspects of labour. In the 21st century, private sector will play a dominating role because of the inclination of present Government towards privatisation of industries. Since such
organisations are profit-oriented, the Government will have to be a little bit tough with such organisations.

There will be other challenges also. More complex problems related to inflation, communalism, industrial politics, corruption, etc. will have their own influence on the texture and formation of trade unions. Internal competition will also increase because of fast industrialisation of a large number of countries. This would necessitate increase in labour productivity on one hand and reduction in over all cost of production on the other in order to compete in international market.

Keeping all the aforesaid complexities into consideration, there will be a desperate need to formulate a powerful and far-reaching economy to meet the impending challenges. There will be certain unexpected developments also for which a continual analysis and revision of labour policy will be necessary. One thing is clear, the economists of the present time should gird up their loins to face the challenges of 21st century now because tomorrow it will be too late.

Chapter IX dwells on the helpless and hopeless condition of the agricultural workers. Their plight is too miserable for words. They are completely at the mercy of chance and luck because their livelihood depends on external factors which may be favourable or unfavourable at times. Even two square meals a day is not a certainty in their life. In the absence of any law to protect their rights, they have to work in sun and shower from dawn to dusk to make both ends meet somehow or the other. The poor farm workers are always at the mercy or the whims of landlords. The wages, they get, are much lower than that of industrial workers. A
large number of farm workers in our country are bonded labourers whose plight is no better than that of slaves. They must get united under the banner of an organisation to fight for their rights. They must have a platform from where they can voice their grievances against those who suck their blood. A vast majority of our workers belong to agricultural labour and labour laws are futile if their rights are not protected.

10.1 Suggestions

10.1.1 Wage Acts

It is beyond doubt that the enactment of the Minimum Wages Act, 1948 and subsequent amendments made therein have rendered a great service, but its implementation has been far from satisfactory. In this regard, it may be suggested that there must be a provision for revision of minimum wage rates at intervals not exceeding two years instead of five years as at present. Economic security of the downtrodden must be upper-most in the minds of our law-makers. Revision of minimum wages and the enhancement in this respect must be linked with the Consumer Price Index. Legal procedure should be simplified and Lok Adalts be held for speedy redressal of the inconveniences and hardships faced by poor labourers. Labour Ministers in various States and the Labour Minister of the Union Government must use their administrative powers for the benefit of hardpressed workers. Leaders at the helm of affairs must work with public spirit. The Conference of the State Labour Ministers held in 1990 made certain healthy suggestions and mooted changes in the Minimum Wages Act. These suggestions ought to be given concrete shape to save the wage-earners from starvation.
The Payment of Wages Act, 1936 has also not proved effective to the desired extent. It should be implemented diligently and the defaulters must be penalised with an iron hand. The industrialists must be forced to apply the provisions of the Act in right earnest.

10.1.2 Payment of Bonus Act, 1965

The significance and the effectiveness of the Payment of Bonus Act, 1965 as amended up to date can be corroborated by the fact that the number of litigations arising out of Bonus issues has shown a considerable decline. However, neither the employers nor the employees appear to be happy with the provisions of this Act. It is, therefore, suggested that the payment of bonus should be linked either with the production or with the productivity of labour after due consultation with the employers and the trade unions. The workers should have access to the final accounts and statements of sale, production and payments maintained in the industrial unit concerned. They should be legally allowed to point out the mistakes, manipulations and anomalies, if any, in the accounts. The Profit and Loss Account should be made available by the employer to the trade union(s) for its/their perusal. The upper limit of 20% with regard to bonus should also be done away within the interests of justice.

10.1.3 Social Security Acts.

10.1.3(i) Employees Provident Fund Act, 1952.

No doubt, our labour legislation has incorporated certain social security measures in various enactments but they are not sufficient. On the face of it, the Employees Provident Fund Act is
quite beneficial for workers to a very great extent. The existing rate of 8.33% deduction is too meagre to be appreciated or eulogised. It is suggested that the provident fund should be deducted at least at the rate of 10% and matching grants should be the contribution of the employer. The employees often complain that they have to go from pillar to post in getting advances/loans from their provident fund. In this regard, it may be suggested that the procedure for sanctioning advances/loans against provident fund should be simplified and red tapeism should be done away with so that the workers do not face any inconvenience in times of need. At the time of retirement too, the workers should be paid their provident fund at the earliest possible, but not later than three months. The Deposit Linked Insurance Scheme may be continued as such.

10.1.3(ii) Workmen's Compensation Act, 1923

Workmen's Compensation Act, 1923 is an admirable step in the right direction in the field of labour welfare. But it is regrettable that under this enactment, the amount of compensation is not upto the mark and needs to be increased. In this regard, the Government should solicit the views of both the employers and the trade unions. The workers ought to be educated and enlightened about various provisions of the Act so as to enable them to put forward their claims without being befooled and misguided by some shrewd employers whose sole object is to cheat and exploit the poor and uneducated workers. The upper limit of eligibility for compensation should be done away with. All types of employments should come within the purview of this Act. It is further suggested that in case the E.S.I Act is not applicable to any particular organisation or industry, the medical benefit should
also be extended to the injured/sick workers under this Act because it is beyond the limited means of an ordinary worker to incur the heavy bills of expensive medical treatment these days.

10.1.3(iii) Employees' State Insurance Act, 1948

At the outset, it may be suggested in this connection that the Act should be made applicable to both perennial and non-perennial industries. The upper limit of salary making a worker eligible for the provision of this Act should be done away with. Moreover, the implementing authorities should be sincere and the implementation machinery should be made effective.

10.1.3(iv) Maternity Benefit Act, 1961

The Act heralded a wave of happiness among woman employees throughout India and they welcomed it with genuine sentiments. However, they have some reservation about inadequacy of its provisions that need to be amended and modified. The woman employees complain against the inadequate medical treatment allowance after their post-maternity period. If some physical complication arises after the termination of pregnancy, no provision in the Act helps the helpless employees. The period of maternity leave be increased to six months as has now been done by the Haryana Government.

10.1.3(v) Payment of Gratuity Act, 1972

The Act does render a Yeoman's service to employees during their old age. They get 15 days salary for every completed years of service at the time of superannuation. But it is suggested that there should be no maximum limit on the number of years completed in service. Proper implementation of the Act also needs to be
overhauled and updated. The rate of 15 days salary be increased to 30 days salary for every completed year of service.

10.1.3(vi) Integrated Social Security

With regard to the social security to be provided to employees, it may be suggested that instead of having a number of Acts covering different contingencies of life as is the case at present, the Government should evolve an Integrated Social Security Scheme covering all the contingencies of life such as injury, death, sickness, unemployment, old age, maternity, loss of limb, etc. It should be incumbent for every employee to become a member of such a beneficial scheme and should contribute according to their capacity to be determined by their pay-scales. The major contributions should come from the employers, State Government concerned and the Union Government. In the initial stages, financial problems may arise, but they can be sorted out in consultation with all the concerned parties. If need be, such an integrated scheme may be implemented in phases.

10.1.4 Labour Welfare

Although both the Union and State Governments have enacted a number of labour laws aiming at the promotion of welfare of the workers, yet there remains much to be done in this direction. A Labour Welfare Fund should be constituted in every industrial unit by diverting a part of the profit earned by it. The Union Government and the State Governments should also contribute to this fund to be utilized for the welfare of workers and their families. The fund should be directly under the control of an authority so appointed with the consent of the workers in the concerned industrial unit. The disbursement of the fund should be
decided on the basis of the intensity of the need of the concerned workers.

10.1.5 The Factories Act, 1948

The Factories Act, 1948 is certainly an important milestone on the road of labour legislation in India. It has been of great service in the organised sector though there is a lot of scope for effecting improvement both in the provisions and implementation of this Act. Sections 21 to 41 enshrined in the Act provide for the safety of workers but it is really a matter of great regret that such provisions have neither been nor being implemented in right earnest. In fact these provisions are only an eyewash as, by and large, they are not applied in practice. The implementation machinery does not appear to be sincere and certain corrupt practices have crept into it and seem to have defeated the very purpose of the Act. To get the better of these ills, the implementation machinery, specially at the inspector level, need to be thoroughly overhauled. Factory Inspectors should be men of integrity and dedicated persons serving with due diligence and should be given incentives. Proper enforcement of the welfare provisions enshrined in sections 11 to 20 and health provisions contained in sections 42 to 50 can do Yeoman's service to the workers. The motto "Safety first" must be given utmost importance by both the employers and the employees.

10.1.6 Industrial Relations

The cordial relationship between the employers and the employees can go a long way in the industrial development of the country. The labour policy adopted by the Government in this regard is one of the most important instruments to promote and
maintain good industrial relations. The enactment of the Indian Trade Union Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and the Industrial Disputes Act, 1947 and the amendments made in these Acts from time to time aim at harmonious coordination among all the organs that work for industrial productivity and growth in the country. These legislations also initiate schemes like Workers' Participation in Management, Workers' Education and Training, etc.

10.1.6(i) The Trade Union Act, 1926

Multiplicity of trade Unions, a sad outcome of multi-party system in our country, is rather disastrous so far as the labour welfare is concerned. The Trade Union Act, 1926 should be amended to make it obligatory that one industrial unit should have only one registered trade union.

The provision that enables any seven members of the working class in an organisation to form a trade union of their own should be dropped. Registration of a trade union and submission of returns by a union should be made a legal obligation. Some provisions should be made for deciding the representative union on the basis of genuine membership. It may also be suggested that secret ballot method be adopted to determine the strength of unions so as to give them proportional representation in management. Those who represent the workers in management should do their best to protect the rights of their comrades and should not exploit their bargaining power for personal interests.

It is often observed that leaders with vested interest use workers as a cat's paw. As such the practice of outside leadership in trade unions should be discouraged and if need be our
Government should not hesitate to amend the Trade Union Act, 1926 to this effect. Only the workers should have the right to be elected office-bearers of a trade union because they are well-versed with the problems faced by the hard-pressed working class. The Workers' Education Scheme which was introduced with the noble object of enlightening the workers with regard to their rights, duties, obligations and functions as leaders of trade unions has not served its purpose in proper perspective. Hence, the scheme should be suitably modified and implemented in right earnest. Sincere efforts should be made to select deserving workers who can be trained in the art of collective bargaining. If need be, refresher courses should be organised to give them formal training in the field of labour economics.

The Government agencies should also adopt measures to ensure "depoliticalisation" of trade unions. In today's India trade union movement has reached the stage where it can do away with the service of political leaders. Rather, there is no doubt that political parties today are doing more harm than good to Indian trade unionism. A trade union dominated by political leaders with personal motives can hardly be expected to struggle for the interest of the workers. A legislation that prevents political interference in trade union activities is the need of the day and the Union Government must take initiative in this direction. A trade union with political links may be derecognised. Efforts may also be made to minimise the number of central federations of workers so that it may become easier to develop consensus of opinion on various issues. Labour policy should be so formulated that trade unions may adopt constructive approach by avoiding strikes. Members of trade unions should not be indifferent to their duties while they agitate for their rights.
Industrial disputes should be sorted out through negotiations held in a cordial atmosphere between trade union leaders and the management in an industrial unit without relying on unwanted, unnecessary and prolonged litigation. The labour policy of the government should be drafted in such a way as may bring about a mental revolution among unawakened labourers as suggested by F.W. Taylor. The trade unions should be encouraged and permitted to undertake as many extra-mural activities as possible. In this regard, the government should come forward in a big way to help trade unions financially. For instance, even long term loans on negligible rate of interest can be advanced by Nationalised Banks to trade unions to enable them to undertake extra-mural activities. Workers interested in such activities should be shown documentary films by various Government agencies to enlighten them about social and religious culture of India. They should also be made to realise their obligations towards their family, society, organisation and nation.

The labour policy pursued by the Government should be fair and just to both the employers and the employees. It should provide opportunity for bipartite and tripartite discussions to resolve labour problems and industrial disputes amicably and without causing any bad-blood. In case such negotiations do not make a head way, the Government agencies should have power to take a final decision within the frame work of labour laws. In this regard, the Government of India should take care of the recommendations made by various committees and commissions like the Royal Commission on Labour, 1931, the Labour Investigation Committee, 1946, the National Commission of Labour, 1969, etc.
The Industrial Disputes Act, 1947 (as amended up to date) with rules appended to it has been playing a significant role in the direction of prevention and settlement of industrial disputes for more than four decades. But the irony is that the number of such disputes has been on the rise ever since the enactment of this important labour legislation. The adjudication machinery for the settlement of industrial disputes needs a complete overhauling on a comprehensive scale. The Conciliation Officers often fail to bring about a settlement acceptable to both the parties. Both management and trade unions should be encouraged or even forced to go for voluntary arbitration for the settlement of industrial disputes. Everyone involved in industrial production should realise that labour unrest is detrimental to a developing economy and consequently industrial advancement suffers a serious setback.

The perusal and examination of the report of the bipartite committee, headed by G. Ramanujam, the then President of the Indian National Trade Union Congress (INTUC), by the Union Government for autonomous settlement of disputes to achieve much desired industrial peace was highly laudable. But it is a pity that no Government since 1990 has taken any initiative to introduce a Bill in the Parliament on the pattern of the Industrial Relations Bill introduced by Rajiv Gandhi Government in 1988.

The labour policy of the government should be such as may give certain rights to the trade unions to boldly assert their views and reactions on issues like licensing policy, price rise,
sick units, growing unemployment, automation, communalism and fundamentalism. Trade union leaders should have the privilege to expose corruption, malpractices and irregularities in the implementation of labour welfare schemes. Workers should also have a Code of Conduct to follow for the sake of national interest.

The labour policy of the Government of India should be formulated in such a way that the object of the economic, social, cultural, intellectual and materialistic improvement of the working class be attained. For this, suitable plans and strategies will have to be chalked out jointly by the trade unions, the employers and the State Governments. Much can be done in this field with the help of co-operation between the Government agencies and the representatives of the working class. Economic prosperity and industrial development of the country depend on such a genuine co-operation.

The labour policy of the Government of India should be strong enough to regulate and monitor the role of the employers who exploit the workers for personal gains and invite labour unrest. The employers should be persuaded (or forced, if need be) to shun their hostility to trade unions. Every management should take healthy initiative and make sincere efforts to develop cordial and friendly relations with trade unions. The employers should listen to understand, appreciate and solve the genuine problems of poor and needy workers. They should not be indifferent to the well-thought of and acceptable demands of the trade unions. They should pay due attention to the training and development of the workers who are devoted to their duty. Their pro-worker stance and policy can go a long way in promoting mutual trust and faith. Such a cordial relationship can bring an end to the myth of class-
conflict, the root cause of labour trouble.

The provisions of Trade Union Act 1926, the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946 with regard to industrial relations should be amalgamated in a consolidated legislation. Such a legislation should be quite effective as compared to the existing three legislations with scattered provisions aiming at harmonious relationship in industrial units. The proposed enactment should have some provisions regarding the limit of time for the disposal of industrial disputes that hinder proper advancement in the industrial development in the country. The process of industrial justice should be speeded up to inject a sense of confidence in the working class.

10.1.6(iii) The Industrial Employment (Standing Orders) Act, 1946

So far as the Industrial Employment (Standing Orders) Act, 1946 is concerned, it has certainly got the better of some of the problems that invariably give rise to some of the industrial disputes.

However, it has not shown the expected results. The progress of certification needs to be accelerated and uniformity in standing orders of different industries and organisations must be made a legal obligation. The Government, the economists, the labour conferences held from time to time or labour commissions can come forward with some model and ideal standing orders for adoption by various organisations. It is also suggested that the standing orders be printed in national as well as vernacular languages and be made available to every worker. It may be made incumbent upon the Labour Welfare Officers to explain the
intricacies of these orders to workers from time to time. It should be a regular feature to invite suggestions from both trade unions and managements with regard to modifications and improvements in the standing orders. These suggestions may be considered for implementation from time to time by a committee constituted for the purpose. Every effort must be made to make standing orders a source of industrial peace.

10.1.7 Bonded Labour

Our country has been suffering from the curse of bonded labour since centuries. Of late, some political and social leaders have launched a movement against the deep rooted problem. Some of them filed public interest petitions in the Supreme Court of India to free bonded labourers from the clutches of their callous exploiters. The Apex Court has rendered a great justice in this matter by bringing the inhuman employers, mostly brick-kiln owners, to book. However, a lot needs to be urgently done to make bonded labour a thing of the past. Public opinion must express resentment against the system of bonded labour that must be done away with. It is in the fitness of things to suggest that a National Commission may be constituted to ensure the requisite national focus and awakening with regard to the abolition of this outdated curse.

10.1.8 Child Labour

In spite of the fact that our Constitution declares child labour illegal, practically we have not been able to get rid of it. Abolition of child labour may not be possible because of a number of factors, but the lot of those children whose tender shoulders have to bear the burden of hard toil ought to be
ameliorated. A large number of projects should be undertaken for this noble purpose. It is highly regretted that only nine projects were taken during 1988-89 and 1989-90. These projects were initiated after the formulation of National Policy on child labour in August 1987. As a matter of fact, in Welfare States like India, employment of children in industries should be banned and be made a cognizable offence. Our Government should make arrangements for free education and vocational training for poor children whom the poverty of their parents forces to work in industries.

10.1.9 General Suggestions

India is a Welfare State and the Indian Constitution has a number of provisions that have as their object the upliftment of the downtrodden in general and the working class in particular. A number of Directive Principles enshrined in our Constitution seek economic well-being of workers. State Governments have to implement not only the laws passed by them but also the enactments of the Union Government. The implementation of Central enactments for the welfare of workers by the State Governments raises complications and the justice is delayed. In some cases, the concept of appropriate Government has been adopted, whereby the Central Government has the responsibility for the administration of labour laws in some areas, the State in others. It often gives rise to conflict of jurisdiction. It also implies an anomaly with regard to the powers of several inspecting agencies. The same establishment is subjected to inspection by inspectors appointed by the Union Government and also by the State Government concerned. To avoid such situations, necessary provisions should be incorporated through amendments in the existing laws. The Union Government should see to it that there is uniformity in the
provisions of labour laws in all the States of the country.

It is not uncommon to come across such cases where the employers dodge the provisions of laws with the connivance of the authorities concerned and escape the penalty. Even the defaulting employers are not duly penalised for violating the various provisions of the labour legislations. Severe punishment should be prescribed for both the defaulting employers and the officials who are hands in gloves with the callous industrialists and other capitalists who do not care a fig for the well-being of the workers.

There ought to be uniformity with regard to the limits of minimum number of workers for making a particular Act applicable to an organisation. It may be suggested that all labour laws should be made applicable to an establishment where ten or more persons work to earn their livelihood. In this regard, it should be a legal requirement for that establishment to maintain a muster roll and record of the persons employed by it.

The minimum and maximum wage limit should also be the same throughout India for determining the applicability of any of the labour laws or codes. If feasible and practicable, the upper wage limit may be done away with altogether. Such a step would be duly hailed by all the trade unions and sensible employers.

The labour policy should be formulated and implemented in such a way that it may provide ample opportunities to a worker for self-development. The organisation or the Government should make arrangements for the education, training or refresher courses for willing workers who are capable and are ambitious to rise in life. The avenues of promotion should be open to such workers who take
initiative and keep themselves abreast with the changes in modern techniques. Performance of efficient workers should be subjected to appraisal from time to time for promotion and increment before time.

At present, there are a large number of Acts dealing with various problems of the working class. But the pity is that the procedure laid down under these Acts is highly time consuming and beyond the pocket of poor workers and they can hardly derive any worthwhile benefit from these so called labour-oriented Acts. Then there is a complete absence of a co-ordinating machinery in this regard. It may, therefore, be suggested that the number of labour enactments be integrated and minimised and the procedure be made easy and economical so as to enable the hard-pressed workers to seek proper redressal for their problems. Implementation of the welfare scheme for workers should be effective not only in letter but also in spirit. Economists and intellectuals should also play a significant role in this field by expressing their views fearlessly and by holding seminars from time to time. In a nutshell, every effort should be done by the policy makers to keep the labour contented and working happily. He should be kept tension free as far as possible and his job should be given satisfaction to a large extent. The Government should implement all the laws strictly without fear or favour because without implementation, all policy making is a futile exercise. To sum up, the labour policy should have rich potential and its implementation must be effective because if the labourer works happily the wheels of industry continues to march further. If the worker is tense and unhappy, the wheels remain jammed.