CONCLUSION.

The seeds of social welfare have always been inherent in all kinds of human societies. It only changes its colour according to the circumstances and needs of the people. It has always been changing in its form and content. It is, therefore in the process of growth. From the earliest groups of men to the present day groups, men have always sought to satisfy their economic needs through social effort of some kind. It gave birth to the division of labour. In its socio-political form it has been connected with 'State', otherwise it has been the social process of cooperation and coordination, having the tendency of equality and liberty fraternity. Principles of equality and brotherhood were to be found in almost all religions. But scientific socialism in the Marxist Leninist, and Maoist jargon is the product of Industrial Revolution. As nations developed their economic strength, big industries were established, the class conscious emerged and there was a direct conflict between the capital and labour, ultimately leading to class conflict and resulting in the proletarian revolution and the withering away of the state. In fact, its most practical aspect of socialism, is to create in men the tenderly feelings of common welfare, greatest good of the greatest number—would prove most conducive to the soil of India. Political thinkers, social reformers, religious mentors, have all preached the gospel of equality and brotherhood, even then inequality has persisted. Raj Gopal Acharya has very aptly described the
meaning and importance of socialism as gleaned from Gita which says:

"Work without aiming at personal profit and with an eye only to the welfare of the community is the way of life taught in the Bhagvad-Gita. It lays emphasis on the equal dignity and sacredness of all labour that falls to one's lot, and on honest effort with detachment and without agitation over results. Indeed the Gita lays down in a unique manner the socialist doctrine in terms of religion. The performance of one's allotted task, says the Gita, is nothing less than worship of God in the truest sense." ¹

Christian religion too lays emphasis on social equality and universal brotherhood. Jesus had a very sympathetic attitude toward the poor. His kind attitude was in terms of spiritual love for all men, it was not in terms of material well-being for the workers. The socialism which Jesus spread was of a spiritual kind. Like Karl Marx he said that the rich are self-centered and self-exalted.² Islam also taught equality, fraternity and nonviolence. It is, therefore, true that socialism is inherently religious. Socialism devoid of religion is like a dead body. In order to solve the economic problems in general and labour problems in

¹ C. Rajgopalachari : Vedanta; (The Hindustan Limited, New Delhi, 1949) P. 5.
² S. S. Bogaras : The Development of Social Thought, (Longmans, Green and Co., Inc. 55. Fifth Avenue, New York, 1955); P. 159.
particular let the socialistic elements in various
religions be combined and applied into practice, and as
such the political socialism can be made as the most power­
ful weapon to establish universal cooperation and universal
brotherhood.

Karl Marx may, in a sense, be called the prophet
of scientific socialism because it was he who, for the first
time, interpreted the ideas of socialism in the light of
circumstances in which he lived and worked. It was he who
propounded his matchless doctrine of 'class struggle' to
crush capitalism and thereby to establish a classless society.
It was, no doubt, a good dream which has partly been fulfilled
in practice. But one of the most cardinal lacuna in his philo­
sophy is that he had not given any place to religion, not
because he knowingly ignored it, actually he was not able to
understand the real spirit of religion. So, Marxian and­
socialism, wherever it is in existence, will, slowly lose its
force. Another great lacuna in his doctrine is that he could
not lay down any specific code, for the labour while the
unavoidable need of labour legislation remains in every kind
of political society. It was only after the Russian Revolu­
tion that revolutionary steps were taken for social security and
ultimately they found a consolidated place in the Labour Code
of 1922.3

One of the most intricate problem before India
is how to provide a sound labour policy so that labour might

get maximum possible benefit and social security among such the country, as progress rapidly from the economic point of view. So far as the democratic-socialism in India was concerned, it was vague, due to three obvious reasons: Firstly, it is based upon political leadership rather than upon the sound thinking of the social and political reformers of India. Secondly, it is based upon haphazard combination of the Western social, political and economic ideas. Thirdly, it lacks the cohesion of the Russian type. Since our economic philosophy is defective our economic structure is lop-sided. And therefore, the position of the Indian industrial workers makes confusion worse confounded. Gandhiji had, no doubt given certain social and economic ideas suitable for India but the present generation is reluctant to accept them. 4

In order to ensure smooth working of democratic socialism in India, first of all it needs a clear connotation and meaning. Democracy should be the rule of the wise people; and as such it requires the least control by the government over the people. Hence democracy without socialism is meaningless and socialism without democracy is dictatorship. Our constitution is a model of democratic system which provides in its chapters on Fundamental Right and Directive Principles all the provisions needed to protect the interest of a common citizen.

a labourer, peasant or employee of the state. What is required is political prudence to solve these problems.\textsuperscript{5}

The tragedy with regard to the industrial worker in India is that he has always been treated as the most neglected person in the society. Various measures have been laid down from time to time to safeguard the condition of labour from the unjust treatment of the employers. But all these measures have not gone to the extent of meeting all the requirements of labour. Due to the political pressures trade unions have ceased to play their effective role. Society and government in India forgot the simple fact that industrial progress is not possible without the progress of labour. Labour plays prominent role in the economic development at various stages.\textsuperscript{6}

The proclamation of emergency by Mrs. Gandhi on 26, 1975 essentially marked a new era in the post-independence history of India.\textsuperscript{7} Twenty points of economic programme of the Prime Minister speaks nothing about the real welfare of industrial workers. The 15th point of the said programme lays emphasis on the new schemes for workers' association in industry. Janata Government also is not very effective on this vital point. They recognise trade union activities but do not approve of strikes, lock-outs, Dharnas and Gheraos as they impede the progress of production and lead to economic distress.

\textsuperscript{5} C.E. Merriam: New Aspects of Politics; (The University of Chicago Press, 1970), P. 69, 280.

\textsuperscript{6} Edited by V.B. Singh: Role of Labour in Economic Development, (Popular Prakashan, Bombay, 1970) Preface: V.

\textsuperscript{7} J.A. Naik: An alternative Policy for India; (S.Chand & Co. Pvt. Ltd., Delhi, 1976) Preface: VII.
Industrial worker is one of the most important sectors of the economy and as such requires a careful attention both on the part of economists and on the part of the Government. He requires even more attention than public finance, currency, banking and industry. Like European countries, there should be a close relation between labour economists and organised labour. Such type of relation will not only solve the labour problem but also increase productivity. The objective of Five Year Plans has mainly been to increase production and employment, but unfortunately no substantial attention has been paid by the foregoing plans to the worker. The tragic aspect of trade unions is that they lack the temper to examine the Five Year Plans in the light of wages and other conditions of service of industrial labour. The industrial worker, therefore, has no effective force of his own or of his organization on the objectives of plan. The industrial leaders too lack this initiative. The foremost function of the trade unions and industrial leaders is to go ahead in the formulation of the Plans so as to make a distinctive contribution in the field of industrial society.8

A labour panel was set up mainly for the problems of labour welfare rather than encouraging the labour unrest to play its role in planned development. For this purpose, it is very essential that we should have some well defined criteria.

8. Edited by V.B. Singh: op. cit; PP. 1-3.
First of all, the worker should have a sense of partnership with the factory or industry in which he is working. He should not feel that he is only a wage earner a useless cog in the machinery of production. He should realise that he is central to its life, central to its development and central to its death. In the absence of such feeling he would be unable to create the healthy socialist climate. Secondly, the employers must treat labourers as co-partners in the joint venture of running the industry, while the workers have to realize the additional responsibility devolving upon them as co-partners. Thirdly, both in the public and private sector, the provident funds be invested as the workers' share in industrial capital in both these undertakings. This can be made possible by increasing his share further by utilising the bonus he gets and by investing his normal increment of his earnings in the concern in which he works. Fourthly, there is the question of worker-skills in management. It needs the creation of special facilities for the education of workers. It is needed for the workers of trade unions especially on the pattern of the Soviet Union. Fifthly, there should be changes in worker attitudes and even more in the attitudes of their leaders.\(^9\)

\(^9\) Ibid; PP. 4-9, 10, 13.
Here the problem relates to the question of the role of the state in the promotion of industrial labour's interests. In this context it can be said that the national goal of democratic socialism demands for the revised labour policy in the light of democracies socialism and as such the Government should use its energy in formulating effective labour policy. For this purpose, trade unions should also fearlessly weight and measure the decisions of the Government for a revised public policy. The main features of industrial socialism hinted above may be summarised as follows:

1. An integrated fair wage and bonus policy emerging from voluntary wage Councils at different levels,

2. Collective bargaining,

3. Participation of Labour in management,

4. Labour's share in profits,

5. Effective and strong trade unions,

6. Opportunities to labour in administrative problems, and

7. Workers' education in respect of the technical spheres.\(^\text{10}\)

Above discussion reveals that the industrial worker is the prime mover of the economy. He should not be treated as a useless cog in the machine. He is one of the most essential forces not only in the development of

\(^{10}\) Ibid; PP.
national economy but also in the social and political development of the society. A great amount of productivity is neither possible by machines nor by any statecraft, it is possible only by labour. Bertrand Russell has rightly opined, "Modern methods of mass production require an immense amount of labour before they yield any return whatever in the way of finished products; but when they begin to yield a return, the return is very large." Hence, there must be an immediate re-orientation of labour policy in accordance with the genuine needs of labour. Therefore, following are the suggestions immediately to be incorporated in the existing labour legislation and in its implementing machinery.

The present Factory Act of 1948, as seen in the preceding chapters, does not meet the full requirements of factory legislation. It needs further changes as indicated below:

1. The Act should cover the contract labour widely and make provisions for their safety.

2. Safety provisions should be given priority and for this purpose a separate committee should be established mainly to look after the defects and may suggest measures for reform.

3. Health provisions be broadened and enlarged so that each worker may be benefited in order to increase his efficiency.
4. In matters of labour welfare each aspect of it be given a special care by appointing extra labour welfare officers.

5. Maximum hours of work should not be more than seven.

6. A Standing Committee on behalf of Government be established in each factory to supervise the workers and the factory.

7. For the implementation of the Act Officers with requisite qualifications and ability must be appointed.

8. For stopping the incidence of accidents there should be a supervisory body in each public and private concern.

9. In each industrial centre there should be a Factory Collector to look after the work of inspectors and to check the mal-treatment of inspectors towards the workers.

Industrial Disputes Legislation.

Industrial law is a new feature of the development of a new jurisprudence in the post independance era. The economic growth of a country depends upon the industrial development. Therefore industrial law plays an important role in the field of national economy. Although the present Industrial Disputes Act is, no doubt, working satisfactorily, yet for keeping the industrial peace, for providing the just
decisions to the workers and minimising the chances of strikes in the factories, it needs the following improvements:

1. State intervention in the settlement of industrial disputes must be compulsory.

2. A serious attitude on the part of management which must consult the workers' delegates before decisions are taken.

3. Management must provide the facts and figures necessary for intelligent decisions.

4. The workers' delegates must be qualified and experienced.

5. There must be Standing Labour Courts for interpretation and enforcement of labour laws, awards and agreements with a provision for appeals over the decisions of a Labour Court to the High Court.

6. Promotion of voluntary arbitration is essential for reducing litigations in the Indian industrial relations. A band of arbitrators commanding confidence of both labour and management should be prepared and awards given by the arbitrators should be strictly enforced and followed up.

7. Labour department should give protection to the infant unions and should prevail upon the management to give reasonable facilities to them.
Feelings of security cannot be created among the workers by any legislation other than the wages legislation. To keep the labour contented, it is very essential that he must be given adequate remuneration within the fixed period. The industrial worker, both in the public and private concern, does not get his pay in time. He is sometimes highly fined or chunk of his pay is deducted for reason not spelled out by the management. Therefore, the payment of wages Act needs the following improvement:

1. The State Government should establish a Supervisory Committee consisting of competent persons who may see and check whether the workers are given their pay in time or not.

2. There should be another committee of the persons who are experts on labour problems to look after the various fines imposed on labour.

3. The implementation may further be improved through effective enforcement, frequent inspections and the education of workers.

4. The most effective way of ensuring implementation of this Act is through creating an awareness of the provisions of the Act among the workers. The awareness may further be increased through small booklets published
in the regional languages, covering important provisions of the Act and the procedure to be followed for the redressal of a breach of the Act.

5. Enforcement of the Act should be made more strict in unorganised sector and particularly in the semi-urban and rural areas.

6. The coverage of the Act should be extended to all workers who work for wages.

**Minimum Wages Act.**

The main aim of the Act was to provide for fixing the minimum rates of wages in respect of persons employed in certain employments, but the Act has not given a clear definition of what minimum wage should be and has not laid down any criteria which would help in arriving at the minimum wage in the scheduled factories. The Vidyasagar Committee has recommended minimum wage of Rs.2.80 for urban areas and Rs.2.00 for rural and semi-urban areas in respect of all employments in the schedule. It has rightly suggested that the National minimum wage should be reviewed every year. It has also expressed its view that there would not be large scale unemployment due to higher wages. It is true that this Act was not framed from the standpoint of socialism. The framers of this Act had ignored the fact that the labour has had the direct concern with the productivity which demands in the

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socialistic pattern of society that the minimum wages must be fixed at the cost of productivity, while in the capitalist society the pattern is quite opposite to this system of production. In the capitalist system the capitalist is either the maker or the destroyer of the labour's fate. So, according to the said light the following suggestions can be made for the improvement of the Act.

1. Minimum wages should be revised at least once a year. Local authority must be in a position to make necessary changes in case the prices change adversely. The employment limit should be 400 instead of 1000 for enabling the State Government to fix minimum wages for a particular employment included in the Schedule.

2. Need-based canons for fixation of minimum wage should be elaborately defined.

3. There should be a Standing Committee to work for the timely fixation of the minimum rates of wages.

4. Proper knowledge about the Act must be given to the workers.

5. The Statutory fixation of minimum wages should be considered the last report and as such all efforts may be made to encourage the parties to arrive at settlements through collective bargaining.
6. In order to have the correct information about the coverage and compliance of the Act it is very essential that the registration of establishments in scheduled industries should be made compulsory at least for those which employ 10 or more workers.

7. To make the implementation of the Act effective, transport facilities may be made available to the Inspecting Officers to increase their efficiency.

_Proposed Employees State Insurance Act, 1948._

The object of this Act is to bring about social and economic justice to the poor workers. So, labour welfare is its main object. Labour welfare is a very comprehensive term. It includes everything which is just and right for the improvement of workers' standard of living and promotion of their social and economic well being. To provide better Social Security Schemes it is imperative that they should be first measured with the principles of utilitarianism for giving workers the maximum possible security. The present Act is, no doubt, a good measure of social security but still it has not touched social insurance like health and unemployment. So, the welfare activities need to be considerably extended so as to cover workers of every factory, mines, plants and communication etc. The following are the suggestions:-
1. A definite minimum standard of welfare should be laid down, which has to be observed by all employers.

2. The employees in factory establishments of the public section should be brought under the scheme.

3. The dearth of beds in the hospitals for the insured employees must be removed.

4. There should be two high Governmental officers in all the industries to watch and correct the bad attitude of doctors towards the workers under the scheme.

5. Strict enforcement of the through prosecutions of the defaulters and deterrent penalties are necessary.

6. The authorities should find out opportunities to explain the scheme to the workers through training courses, lectures, symposia, seminars etc.

7. The coverage of the Act should be extended to cover self-employed, members of liberal professions and agricultural workers also.

8. The Act should be modified in such a way that it may ensure fair living standards for the retired, disabled and dependents of the deceased.

9. The Government of Uttar Pradesh should exercise strict control on sickness certification to
prevention of unscrupulous workers from taking undue advantage of the scheme.

**Employees Provident Fund and Family Pension Act, 1952.**

It is true that this Act is a great step in providing a substantial measure of financial security and timely monetary help to the industrial workers. However, it needs the following improvements:

1. At present only 61 per cent of the total industries are covered by the Act. The coverage should be extended to all the factories and even to the small factories in which there are ten or twenty workers.\(^\text{12}\)

2. The staff position in U.P. is weaker, so it needs urgent reinforcement.

3. The qualitative improvement in their attitudes and efficiency should be undertaken as suggested by the Third Regional Conference of the International Social Security Association, through "education and training of the social security and ministrative personnel in the philosophy and principles of social security and the proper and dedicated application of the same."\(^\text{13}\)

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\(^{12}\) Ibid; P. 266.

\(^{13}\) Quoted in S.S. Sonarikar: Implementation of Labour Enactments; (Popular Prakashan, Bombay, 1976); P. 267.
4. The increasing percentage of defaulting factories should be checked effectively. And punishment in respect of the habitual and economically sound defaulters should be made more deterrent.

5. Strict enforcement of the Act and deterrent penalties should be resorted to at the earliest.

6. For the effective implementation of the Act the powers of the State Government should be delegated to the Regional Provident Fund Commissioner and the penal damages should never be levied at less than the market rate of interest.

7. The powers for enforcement of the Act be transferred to Fund. The cases under the Act may be handled by special Employees Provident Fund Courts constituted on the lines of the Employees State Insurance Courts.

8. Under this Scheme only those advances like advances for house-building and L.I.C. premium which afford security and money for the old age should be encouraged.

The Workmen's Compensation Act of 1923.

There were two most important factors viz: (1) The growing complexity of industry with the increasing use of machinery and, (2) Consequent danger to workmen along with the poverty of workmen, led to the framing of this Act.
As the Act indicates it has met the first problem well but it has not met the requirements of the second problem as the industrial worker needs. Thus, it needs the following additions:

1. There should be an agency which may force for the immediate payment of compensation in case of tussle. It becomes more essential in giving labourers greater freedom from anxiety and in rendering industry more attractive.

2. There should be easy procedure of claiming compensation either by the workman himself or by his dependents.

3. The powers of the Commissioner should be increased not only in the administration of the Act but also in deciding the nature of accidents.

4. Sections 17, 19 and 22 of this Act must be modified so that a review can be made on the ground of aggravation of disability.

5. Workers should be provided all sorts of safety while working in the industry.

The Procedure of Recruitment.

For recruiting the various types of labour Employment Exchanges Act, 1959 has been framed. The object of the National Employment Service in India is to ensure the
maximum possible utilization of human resources. The Act is applicable to all employers in public sector and those engaged in non-agricultural activities employing twenty five or more workers in the private factory. The employers have to notify vacancies to the Employment Exchange and the administration of the Act rests with the State Governments. The Act is enforced by the Regional, sub-regional and District Employment Exchanges. The Act still needs the following specific requirements:

1. The Act should be extended to establishments employing 10 or more persons to cover large number of establishments facilitating the placement activity of the Exchanges.

2. Registration for every job-seeker by the Employment Exchange must be made compulsory. This will provide a true picture of employment for the Exchange and in this way the employers will have qualified and good candidates.

3. Notification of all the vacancies should be compulsory.

4. Employers should have the power to select their employees but every candidate must have the Employment Exchange Registration Card.

5. It is very essential that the public sector

employer and to intimate to the Employment Exchange full particulars of the candidate appointed against a notified vacancy within the prescribed time in order to make the Employment Officer to submit suitable candidates in future and to check whether the employer has adhered to the qualifications as notified to the Employment Exchange. The private sector should only intimate the Employment Exchange the Registration Number of the person employed. This will make the Employment Exchange able to cancel his name from the Live Register and to keep their registers up-to-date.

6. A person who has the registration card of the Employment Exchange should be allowed to apply for the vacant post throughout the country. It will serve as a truly National Employment Service.

7. For increasing the efficiency of the N.E.S. there should be a greater use of the inter-state and inter-exchange clearing machinery, at least in the case of the skilled jobs.

8. And other bodies like quasi-Government, Zilla Parishads, Municipalities etc. and Industrial Units in the public sector should also be rightly directed and suitably instructed to give preference to the candidates submitted by the
they should consider the candidates submitted by the exchange before resorting to open advertisements.

In the field of training of the workers, the Apprentices Act, 1961 is working satisfactorily. The Directorate of Employment and Training, Government of India is charged with the responsibility of imparting vocational training, in all its aspects to young workers keeping in view the technological changes. However, surveys and studies should be carried out to keep proper record of all sources of training of craftsmen and demand for production process workers to avoid imbalance in demand and supply of the labour force.