INTERNATIONAL LABOUR STANDARDS AND ITS APPLICATION IN INDIA: THE ANALYSIS

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ABSTRACT
This paper is to discuss the origin of an International Labour Organization, which has been acting behind the scenes of Indian labour law formulation since 1919. The main objective of this organization is the protection of the rights and basic necessities of the labour/workers community. Not only it has strived towards it but also has provided exceptional services for all the three main elements of the industrial sector - government, employer and employee (worker/labour). The article also talks about the various methods and regulations which have helped us benefit and uplift the industrial sector. The International Labour Law standards have influenced the legislation, labour welfare, trade union systems and industrial relations between employer and employee. There are eight core conventions, which influences or basic legislation and they are also called fundamental/human rights convention of the International Labour Standard. In spirit, it is a similar feel to the International Labour Organization Philadelphia Charter of 1944. Even without the International Labour Organization, the Indian constitution has a resemblance to its standards due to the presences of the Fundamental Rights and Directive Principles of State Policy. The paper further discusses the various acts which have been influenced by International Labour Organization Standards. The Factories Act, 1881 was the first act which was amended by the International Labour Organization Standards. It brought provisions health, safety and hygiene along with measures to prevent child labour. The Mines Act, 1923 dealt with workers of Indian mines. This act took correctional measures regarding the working hours and total working days in a week of the employees but did not talk about any provisions regarding the overtime, and its pay. The Trade Union Act and Payment of Wages Act, 1936 was made to prevent disorders relating to wages by ensuring fixed wages for a fixed amount of time. After the influence of the International Labour Standards, they ensured low priced and quick therapeutic release for over-worked employees. The Weekly Holidays Act, 1942 recommends one paid holiday per week and later, provide additional paid half-day holiday in a week. The Industrial Employment Act, 1946 gives conditions for the employment of workers in the form of standing orders. The Industrial Disputes Act, 1947 introduced industrial tribunals for adjudicating matters of disputes in the industrial sectors.

Thus, to achieve these safety and protection goals, the International Labour Organizations Standards have been implemented on the above-mentioned acts and legislations. This will lead us to talk also about the impacts of these acts and legislations, keeping in mind the International Labour Organization Standards.

INTRODUCTION
Due to the steady fast growth in the past century of the industrial as well as the technological sector has to lead to an increase in the employment of human labour forces. The labour forces are made to do unconventional jobs which put strain at their
physical and mental status. The jobs may last over ungodly periods of time without them consuming the basic necessities to sustain their bodies. The spread of the industries across borders has to lead to the employment of these labour forces in rather atypical manners which are mostly unethical and in some cases illegal. This has enlightened the struggles faced by the labour forces due to exploitation by employers. This lead to United Nations intervention in matters as mentioned above. Thus, under United Nations organizations took place the birth of the International Labour Organization in 1919.

International Labour Organization (I.L.O.):- International Labour Organization is one of the most crucial organization operating at world level for the benefit of the workers. This specialised organization promotes the right to work, decent employment opportunities, social protection, minimum wages, compensation as well as a trade union. Not only 186 countries are member of this organization which has been following a tripartite governing structure, but it also consists of government representatives as well as employee and employer heads. This governing structures provided the chance for equal representation of the parties, and their views are closely induced in the policies of the principle laid down by this organization. These principles are called International Labour Standards.

One of the predominant functions of I.L.O. is the setting up the international labour standards, which include - Conventions, recommendations and protocols. These Conventions are internationally as well as nationally legally binding to the member nations who have ratified it. The Recommendations provided in international labour standards need not require ratification as there are guidelines and Protocols are weapons which help in the modification of the mentioned conventions.

The I.L.O. consists of three main organs, i.e. (1) The general assembly which holds a yearly meeting on June called the International labour conference (I.L.C.). (2) The executive council which meets thrice in a year on March, November and conducts a half-day session in June at the end of I.L.C. (3) The I.L.C. provides as a policy-making body and world forum for contemplating on social and labour issues. It was in this forum the International labour standards were set and adopted. The implementation of these standards was set by a budget contributed by member states. “The I.L.O. has four basic and strategic objectives:-

1. To promote rights at work.
2. To create and encourage decent employment and income opportunities for women and men.
3. To enhance social protection for all.”

Thus following these objectives I.L.O. developed I.L.S.

International Labour Standards (I.L.S.):- I.L.O. has developed a systematic process of building the international labour standards which have aimed for promoting opportunities for all genders and also obtained decent as well as productive work along with the general conditions of freedom, equality, security and dignity. These global standards provided to maintain a smooth as well as non conflicted working of the

1 www.ilo.org
industrial sector. This ideology has been depicted in Guy Ryder, Director-General of I.L.O.’s speech of 2016:

“The ILO ’s job mission demands that they identify and predict the transition engines of progress currently in operation and be ready to respond quickly to unexpected incidents and challenges. This would be inconceivable that if the organization did not go on targeting the neediest, the ILO ’s mission for social justice could be successfully carried out. The ILO will be judged by how we do for those in poverty, homelessness, no job, the future, or hope for those suffering from the deprivation of fundamental rights and freedoms is rightly judged”

This speech is also taken as a vision statement which provided as a base of international labour standards.

There are 8 conventions which are called the fundamental or core conventions of I.L.S. which were laid down by I.L.O.:–

1. Forced Labour Convention, 1930 (Convention No. 29)
2. Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87)
3. Right to Organize and Collective Bargaining, 1949 (Convention No. 98)
4. Equal Remuneration Convention, 1951 (Convention No. 100)
5. Abolition of Forced Labour Convention, 1957 (Convention No. 105)

6. Discrimination (Employment and Occupation) Convention, 1958 (Convention No. 111)
7. Minimum Age Convention, 1973 (Convention No. 138)
8. Worst Forms of Child Labour, 1999 (Convention No. 182)

**International Labour Organization and India:-**
The process of the implementation standards is in context to India. India is one of the founding member of the I.L.O. As the ratification of I.L.O. conventions is a voluntary process; India only ratifies such conventions when the national laws and practice confirm such conventions. As needs to be the incorporation of the Convention in accordance with the Indian constitution, India has been cautious with ratifying particular convention but always has carried a positive outlook for the concerns of the International Labour Standards. India has ratified 43 conventions to date. India is a party to the I.L.O. Convention No. 144 “Tripartite Consultation (International Labour Standards)”.

**Ratification Procedures and Implementation of International Labour Organisations Conventions:**
This process of ratification is lengthy as well as a tedious process. There shall not be any conflict between the national laws and the convention proposed by the I.L.O. After the convention is accepted in accordance with that, India has to notify the Governor-General of the International Labour Office. Once the concurrence is issued, the document called

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3 Article 19 of ILO Constitution.
Cabinet Note is prepared by the Ministry of Labour and Employment (MOLE). Such a document needs to be approved and then be presented to the parliament. The progress of the process needs to be informed to the I.L.O. Once the proposal is passed by the parliament, India is required to provide at reoccurring intervals a report regarding the application of the conventions. Once ratification is done, it becomes legally binding. Thus, making India liable to the international supervisory procedures regarding the matter.

Thus India has ratified six core conventions; they are as follows:
1. The Forced Labour Convention, 1930 (Convention No. 29)
2. Equal Remuneration Convention, 1951 (Convention No. 100)
3. Abolition of Forced Labour Convention, 1957 (Convention No. 105)
4. Discrimination (Employment and Occupation) Convention, 1958 (Convention No. 111)
5. Minimum Age Convention, 1973 (Convention No. 138)

INDIAN CONSTITUTION AND INTERNATIONAL LABOUR STANDARDS
India being the Independent Sovereign Republic, has enacted and enforced its own set of legislation which are followed by its people. The legislation adopted is a compilation of various laws who found its root in legislations around the world. A compilation is called The Constitution of India. The constitution has not only established the present democratic governmental system but also has provided welfare as an aim for the nation-state and its citizen. They even ensure the granting and protection of the fundamental rights which provide for giving the people equality, dignity, personal liberty, religious freedoms and even the power to move to the court when such Fundamental Rights have been infringed by an individual or even the state. The Labour Force of India constitutes of 49.8% of India’s population, thus, making them an integral part of the society which has based its growth on the labour forces who indulge in the industrial and trade sector. The Constitution of India has found ways to provide adequate safeguards to the minority, women, children, economically backwards and the tribal people and other weaker sections. The protection of interests of the Working Class was one of the main aims that was kept in mind while making the Constitution. It is necessary for a Welfare State to deliver help in cases of illness, old age, physical as well as mental incapacity, lack of employment or underemployment and lack of economic power, etc. The State provided assistance not as charity but as basic rights of the people which can be informed if violated.

The Fundamental Rights present in the Constitution provides for political democracy while the Directive Principles of State Policies deal with the socio-economic-cultural attributes of this democracy. When these principles are implemented, a welfare state is born. The Directive Principles of State Policy are:

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4 Article 22 of ILO Constitution.

5 https://tradingeconomics.com/india/labor-force-participation-rate
• Article 38\(^6\) of the constitution declares that the main state goal is to protect and promote the welfare of the people while in parallel, maintaining the social order.

• Article 41\(^7\) states that the State keeping in mind it’s economic capacity and development, is to make provisions which may help people who are underprivileged to secure the right to work, to education and public assistance such as unemployment, old age, sickness and disablement.

• Article 42\(^8\) lays down that securing safe and humane conditions of work and granting for maternity relief is one of the main goals which shall help us achieve the concept of the welfare state. No child who is below 14 years in age shall be employed to work in a factory, mine or engaged in any such workplace or in hazardous employment.

• Article 43\(^9\) creates upon the state a responsibility to secure to all workers even if they are agricultural, industrial, or otherwise, to provide for conditions at work which ensure a proper maintaining of life and full enjoyment of leisure along with opportunities in social and cultural aspects and in particular the State take measures to promote cottage industries on an individual and cooperative basis in rural areas.

The above-mentioned legislation were enacted to provide safeguard and promote the interest as well as to benefit the of labour community by covering the major aspects of their employment like the concept of fair wages and regular payments, working conditions, holidays and leave, safety and health, conditions of works, labour welfare, social security industrial relations, protection of interest of women and child labour, labour indebtedness, housing, recruitment and training.\(^{10}\) The legislations includes all forms of workers, even the ones engaged in factories, mines, plantations, railways, motor- transport, shops, etc. of the industrial sector. The Constitution of India provided the Centre and State Government clear set of goals under the concept of “welfare nation” to ensure all-round development even of labour community and even has provided the government with a subtle hint that they should ensure that the labour community should not lag behind either in social or in political life. The labour legislation was formed after the introduction of constitution aims at achieving this end.\(^{11}\)

The Fundamental Rights has also acted as the enforcer and protector of the labour law legislation in India. The concept of Equality which is introduced under the head Fundamental Rights, does not just mean absolute equality before the law. It means that equals shall be treated equally as absolute equality cannot be achieved by humans due to varying physical and mental strength. In simpler terms, it means the absence of special privileges due to birth, caste, class or any other favour towards a particular individual. This rule can be proved in Randhir Singh vs Union of India\(^{12}\) the Supreme Court held that there might not be an explicit mention of the principle of “equal pay for equal work”. But it is one of the main goal enshrined under Article 14, Article16

\(^{8}\) http://legislative.gov.in/sites/default/files/coi-4March2016.pdf
\(^{9}\) http://legislative.gov.in/sites/default/files/coi-4March2016.pdf
\(^{10}\) www.shodhaganga.org
\(^{11}\) www.shodhaganga.org
\(^{12}\) 1982 AIR 879, 1982 SCR (3) 298
and Article 39(c) of the constitution of India. Under sub-clause (c) of clause 1 in Article 19 states that it is the fundamental right of the citizen to form association and unions. However, the state does have the power to impose necessary restrictions. This right includes right to form companies, partnerships, societies and even trade unions. In Balakotiah vs Union of India\textsuperscript{13}, it was held that right to form trade union fell under Article 19(1)(c) but had no guaranteed right to effective bargain, strike or lockout but only includes right to life, right to means of livelihood which makes it possible for a person to survive.

The Right to Life and Personal Liberty mentioned in Article 21 has wide and far-reaching meaning. Life is not a mere animal existence. It not only means life cannot be extinguished but also include the concept of the right to livelihood. If the right to livelihood is to treated as a part of the right to life, then the easiest way of depriving a man of his right to life would be just depriving him of his means to earn the basic necessary for the proper functioning of his life. In Olga Tellis vs Bombay Municipal Corporation\textsuperscript{14} popularly known as “pavement dwellers case”, the five bench judge of the Supreme Court ruled that right to livelihood is enshrined under Right to Life in Article 21.

**INDIAN LEGISLATION AND INTERNATIONAL LABOUR STANDARDS**

1. **FACTORIES ACT, 1948**: The Factories act was introduced to provide adequate safety measures so to promote health and welfare of the workers and also to reduce the reckless overuse of the employee’s skill in hazardous situations. This act covers the basic working conditions in factories, provide for the minimum requirement to maintain measures so as to maintain safety and welfare. The Factories Act is applicable to all the factories using power and employing ten workers or more or 20 workers or more without the employment of power for 12 months. This act has been influenced by hours of work (industry convention), 1919, which limits working hours to 48 hours per week and 8 hours per day. The convention also provides the conditions wherein events of the accident, emergency, urgent work and continuous process, etc. one may exceed the working limit. Further, Weekly Rest (Industrial) Convention, 1949 laid down 24 consecutive periods of hours of rest after working according to the working hours laid down in the above-mentioned conventions. The Labour Inspection Convention, 1947 provides regulation regarding timely inspection and regulations to ensure the proper placement of safety measure in the industry.

2. **INDUSTRIAL DISPUTE ACT, 1947**: For the peaceful resolution of disputes and to promote cordial relations amongst workers and employers, this act was enforced. This act is applicable to all the units of the industrial and commercial sector. It covers all workers and employees who are paid a maximum Rs.1600 per month except for a person who is employed for managerial and administrative capacities. The main machinery of the act provides ways to investigate and settle disputes through committees, consolidation officers, the board of conciliation, courts of enquiries, labour courts and tribunal and voluntary arbitrations.

\textsuperscript{13} 1958 AIR 232, 1958 SCR 1052

\textsuperscript{14} 1986 AIR 180, 1985 SCR Supl (2) 51
This act also provides protection of workmen during the pendency of the proceedings and also provides the right to appeal. Procedures and compensation for strikes, layouts, layoff, retrenchment, transfer of undertaking, closure and reopening of a close undertaking are also mentioned in the act. It also provides penalties for the regulations breached either by the employer or employee. This act contains some provisions which have been inspired by the unratified conventions and recommendations of I.L.S. Those conventions are Collective Bargaining Convention, Collective agreement recommendations, Voluntary conciliation and arbitration recommendations.

3. TRADE UNIONS ACT, 1926: The Act aims to regularize labour-management relations in order to allow the lawful organization of labour. The act mentions the protection and privileges that shall be provided to the registered trade unions. The registration of the trade unions is a voluntary process, but there are some conditions that are to be followed in order to get a trade union registered. There are various regulations which deal with the dissolution of trade unions and amalgamation of trade unions which is rather a tedious procedure. The inspiration of this act came from the Tripartite Consultation Convention, 1976, which has been ratified and came into effect to give powers to tripartite bodies under the act. The Trade Unions Act took from two conventions of I.L.S., i.e. Freedom of Association and Protection of the Rights to Organize Convention, 1948; and Right to Organize and Collective Bargaining Convention, 1949. These conventions gave rights to autonomy in union organizations for furthering and defending workers interest by collective bargaining and collective action. It also provided protection against discrimination for joining the trade union and taking collective actions. Rural Workers Organization Convention, 1975 was also inspired in creation and reformation of the act.

4. BIDI AND CIGAR WORKERS(CONDITIONS OF EMPLOYMENT) ACT, 1966:- The main provision was to reduce child labour by only allowing children of 14 years and more to work in such factories. This act prohibited children from handling dangerous work like cinder picking, cleaning of ash pits, manufacturing match sticks, explosives, fireworks, spinning wool cleansing, etc. Children were only permitted to work for 6 hours between 8 A.M. to 7 P.M. for the compulsory day of rest in a week. The employer shall also provide legal notice to the local inspector and also maintain a day to day basis register regarding the employment of children.

5. THE SHOPS AND ESTABLISHMENT ACT, 1953:- To create right for the workers and legal obligation for the employers, the act was introduced. The special feature of this act was that each state had to frame their own rules and regulations, the number of people employed, amount of wages, working period as well as hours according to the labour force operating in their state. The provision laid under the act made it compulsory to register a shop and establishment within 30 days of commencement of work. Prior notice shall be provided in case of closure if the situation may permit. But communication of the closure is to be compulsorily made within 15 days of closing. This act also lays down guidelines for the
hours of work per day, per week, rest intervals, opening and closing hours, closed days, the national holiday, regional holidays and religious holidays. Employment of children, young adults, women are regulated by the provisions mentioned under this act, rules for annual leave, maternity leave, sick leave, casual leave are also mentioned. Keeping in mind the profit and predictability of these shops and establishments. There are also a fixed set of rules as well as conditions which are required to be fulfilled for the termination of service.

6. THE MINES ACT, 1952:- The act exclusively deals with the health, welfare and the safety of the workers employed in mining activities. The act also puts a limit on maximum hours on work that shall be permitted to the workers by keeping in mind the nature and intensity of their physical labour. The act incorporated various sections to ensure that the working conditions of miners are met with proper safety and medical guidelines. The Mines Act is administered by the ministry of labour and employment through the directorate-general of mine safety (DGMS).

7. THE MOTOR TRANSPORT WORKERS ACT, 1961:- Taking care of motor transport workers and regulating the conditions of the work is the main purpose of the Act. It applies to every motor transport, undertaking who have employed for five or more workers in all the states/trade unions in the country. The act gives power to the state authorities to apply any provisions of the act to any motor transport undertaking employing less than five workers. The provisions of the act prohibit any adult worker for more than 8 hours per day and 48 hours per week. In the various occasion, the time limit may exceed up to 10 hours per day and 54 hours per week.

8. WORKMEN'S COMPENSATION ACT, 1923:- There are various provisions in this act to provide compensation in situations of industrial accidents/occupational diseases which may happen to the employee in the course of employment resulting in their death or disablement. The act covers minimum compensation of Rs.20,000 and maximum of Rs.1,14,000 in cases of death, for permanent disablement minimum compensation is Rs.20,000 and maximum up to Rs.70,000, and for temporary disablement, the compensation is 50% of the said wage for a maximum period of 5 years.

9. MATERNITY BENEFIT ACT, 1961:- The maternity benefits under this act is provided to female workers after completion of 80 days of employment. Their work should not be gruesome, tedious or lengthy as it may interfere with pregnancy or the development of the foetus, even in some cases lead to miscarriage or death of the mother. They are thus providing a period of 1 month to 6 weeks rest prior to the delivery. The bonus of Rs.250 is provided along with the maternity benefit for post-natal care, and prenatal care may also be of free of charge. The women receive maternity benefits only on the submission and affirmation of a medical certificate.

10. EQUAL REMUNERATION ACT, 1976:- This act was introduced to prevent discrimination between men and women workers for similar nature of work. This act was also prevented inequality in recruitment and service conditions for the employment of women and men except where the working of women was prohibited or restricted by the law. Right to Equal Pay without any discrimination on the grounds of gender was
11. PAYMENT OF GRATUITY ACT, 1972:- This Act provided payment when one ceased to hold office. The coverage of the act is factories, mines, oil fields, plantations, ports, railway companies, shops and commercial establishments. Only employees whose wages did not exceed more than Rs.3500 per month were eligible to be provided with such payment.

12. EMPLOYEES STATE INSURANCE ACT, 1948:- This was one of the main acts which provided health coverage as well as medical coverage for an employee who has fallen prey to employment injury. The amount of pension depends on whether the incident leads to death or a severe injury. Employees eligible under this act are not to have wages exceeding Rs.3000 per month. The act covers minimum compensation of Rs.20000 and maximum of Rs.114000 in cases of death, for permanent disablement, minimum compensation is Rs.20,000 and maximum up to Rs.70,000, and for the temporary disablement, the compensation is 50% of the said wage for a maximum period of 5 years.

13. THE PAYMENT OF BONUS ACT, 1965:- The act created a statutory obligation for the employers to pay a bonus to employees after certain establishments such as profits or productivity. This act is applicable to all the factories come under factories acts as well as any establishment exceeding more than 19 employees on any day during a day. The government may extend the coverage by reducing the employee numbers to 10. It includes all forms of workers whose salary or wage do not exceed Rs.2500.

14. MINIMUM WAGES ACT, 1948:- The act was introduced to determine a standard minimum wage for industrial as well as trade sectors as such legislations did not exist prior. This act was applicable to all the employees skilled or unskilled, manual or clerical, including indoor workers as well as outdoor workers, thus minimum wage becoming an obligation for employers and rights for the workers.

15. PAYMENT OF WAGES ACT, 1936:- Not only the act regulated wages but also provided prompt payment and a method of preventing from exploitation by the employers. The Act also included a method of remuneration, bonuses or sums payable at the termination of the service. The main provision of this act was equal remuneration for men and women. Minimum Wage Fixing Convention, 1970 (I.L.O. conventions) was introduced and laid down various concepts, i.e. deduction from wages, periodic payment of wages, notification to workers on the condition on which they are being employed, maintaining wage statements and payroll records and also maintaining any deduction made by the employer on the payments made to the worker. This convention also helped in the prevention of unnecessary deduction of wages, and the concerned worker is to be given reasonable opportunities to show why the loss incurred was not in their hands which lead to the deduction.

16. THE PLANTATIONS LABOUR ACT, 1951:- The plantation workforce has been the most exploited group of workers in the organized sector of industries and trade. Hence, act came to existence which ought to
provide for the welfare of labour and to manage the conditions of workers in plantations. Under in legislation, the state government has powers which allow them to take all the feasible measures to improve the conditions. The maximum hours of work are 9 hours a day and 54 hours a week. No worker is allowed to work for more than 5 hours before they had an interval for rest of minimum 30 minutes. The act further mentioned penalties imposed for the violation of the provisions with the fine of minimum Rs.500 and/or three months of imprisonment, which may extend up to Rs.1,00,000 and/or imprisonment of 12 months.

17. THE CONTRACT LABOUR ACT, 1970:- This act required contract labours to work for maximum 9 hours between 6 A.M. to 7 P.M. with the exception of midwives and nurses in infirmaries or hospitals.

18. THE CHILD LABOUR ACT, 1986:- This act was enacted to prohibit the engagement of children in particular emoluments and to regulate the conditions of work of children in other employments. This act intended to remove act lays down a procedure to decide various reforms regarding the banned occupations. Further, the act lays down various penalties for the employment of children in violation of the provision of the act. The act obtained uniformity in context with the definition of “child”. No child shall work between 7 P.M. and 8 A.M. and the period of work shall not exceed 3 hours per day before he or she has had an interval for rest of at least an hour, and in total, a child is not permitted to work more than 6 hours. Every child employed shall be given a holiday each week and such holiday shall be specified by the employer in the establishment. The act provided provisions for the punishment with imprisonment for a term not less than three months but May extent to one year with fine, not less than Rs.10000 which may extend up to Rs.20000 to the employers who permits any child to work in contravention to the provision of the act.

In Weekly Rest (Industrial) Convention, 1921 laid down in article 2 that workers shall be provided with atlas 24hours of consecutive rest in a period of 7days and such rest shall concede with already established customs, national holidays, traditions of the state. This rest shall be provided after each major undertaking, the period of rest shall also be considered keeping in mind the humanitarian and economic conditions of the society.

The Labour Administration convention, 1978 lead to the creation of the concept “Autonomy of Employers and workers organisations.” It forced the competent bodies to form a set of rules and regulations which needed to be revised at fixed intervals keeping in mind the dynamic conditions in the labour community. The competent bodies were made to review international employment policies, chart out the employed, unemployed and underemployed persons and draw out attention to the defects and exploitations faced by the workers and provide policies to diminish such situations. Protection of Wages Convention, 1949 laid down a few guidelines for payment of consideration to employees or workers by employers. The wages payable shall only be paid in the form of legal tender as promissory notes, vouchers, coupons, normal form of currency otherwise prohibited by state laws. The consideration shall be paid directly to the worker otherwise mentioned against the law. It also mentioned the workers are not to be
coerced to make use of stores or services operated in connection with the undertaking they are employed. The deduction of wages shall only be permitted if it complies with the national laws fixed by the government and also the workers should be informed prior to the deduction of wages along with a reasonable reason.

UNRATIFIED CONVENTIONS ANFD RECOMMENDATION OF I.L.S.
In order to follow or apply such I.L.O. conventions or any part of conventions introduced by I.L.S. does not necessarily mean to ratify such conventions. Paragraph 2 of the ILO declaration on fundamental principles and Rights at Work and its follow-up declares that all members declare that:

“All members have a duty to support, uphold and understand, in good faith and in conformity with the Constitution, values respecting the fundamental rights applicable to these conventions, even though they have not ratified the conventions in question, arising from the very fact that they are members of the Organization, namely:
(a) The right to collective bargaining;
(b) Eliminate forced or compulsory labour;
(c) Abolition of child labour;
(d) Eliminate discrimination in employment and occupation.”

India has not ratified conventions on Freedom of association and protection of the right to organize of 1948, and collective bargaining of 1949 as they are not consistent with the municipal laws of the country. As communicated by the department of personnel and training (DOPT), these ratifications would lead to providing government employees certain rights which are prohibited under statutes like to strike work, criticise government policies openly, to freely accept financial contribution and to join any foreign organisation, etc.

CONCLUSION
After analysing the various conventions of the International Labor standards, it can be taken into consideration that India is concerned about the improvement of labour standards and trying to make improvements in the labour sector. India has implemented the conventions ratified by it and also took various provisions from unratified conventions of International labour Standards to make improvements by making amendments to current existing laws. The main reasons behind the non-ratification of those conventions are that those conventions are not consistent with the current laws of India. The international standards have been prepared to keep in mind some particular countries, but unfortunately, India’s situation is not such that would fall in one such country as they are trying to enforce universal standards by completely ignoring subjective circumstances and it is not just and the correct way of jurisprudence.

One can derive from the above give research that perceptions and safeguards have been provided by the law to reduce exploitation of workers, but such laws have not been implemented due to various reasons. They are:
1. Illiteracy of the workers makes them unaware of their rights.
2. Unequal treatment: Giving benefits to people with power, money and influence. In-Humane treatment towards people who work at risky jobs like Bidi and Cigar factories.

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3. The method of implementation of the legislations are weak, i.e. the penalties are low and do not act as an economic burden to the person committing the offence and imprisonment are of short period and mostly bailable.

Indian laws only have kept in mind the scenarios which existed a century ago and have not updated the laws in accordance with the present living conditions. The money provided to a permanently disabled person or dead person is only around Rs.20,000 to Rs.1,50,000 (approx.) which is not sufficient to provide to the dependent members. The Maternity Benefits provided by the act is also not equivalent to the pay the women loses in her un-paid leaves du.

RECOMMENDATIONS
The researcher makes the following recommendations for Indian labour law and International Labour Organization:-

1. India should ratify all those conventions which are needed for the current scenario of labour industry and make amends to the current labour and industrial laws of India.

2. International Labour Standards while making the provisions for the improvement of the labour sector by only keeping in mind a few countries and totally ignored the situation of India. They should also focus on making laws which are suitable for countries like India as it is the second most populated country in the world and its 48% of the population falls under labour category.

3. The privileges provided by the acts mention in this paper are not financially enough to support the people who come under this act.

4. The act itself is laid down in legal terms which a person with a limited vocabulary is unable to understand.

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