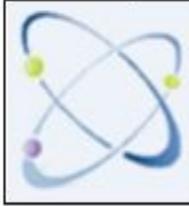


PROVISION OF JUSTICE THROUGH EFFECTIVE REDRESSAL OF INDUSTRIAL DISPUTES AND GRIEVANCE HANDLING



ECONOMICS

Keywords:

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ABSTRACT

The paper is organised in four parts. The first part contains Introduction in which the research problem is presented along with its importance and need for the study. The second one focuses on objectives and methodology. The third part analyses the data related to settlement of industrial disputes, while the fourth deals with findings of the study and offers suggestions.

I. INTRODUCTION

Industrial Relations are essentially the relations that continue to exist between the employers and employees in industrial organisations and economic activities. The system of industrial relations (IRS) seen as a social institution necessarily evolves absorbing changes social relationships and social dimensions. The statistics of labour force technological developments, market mechanisms, political environment, philosophical attitudes, influence the evolution of industrial relations as a dynamic institution. Beliefs, values, customs, construct the character of person in a society which translates into human behaviour. Players in economic activities are essentially human beings. The human touch has to pervade in all actions of man in his group life that constitutes an organised society. The Indian way of life is unique and most admirably universal in so far as human relations are concerned. It acknowledges that life lives by poaching on other life – 'Jeevo Jeevasya Jeevanam'. In establishing humane human relations it examines the tenets of molecular biology which says that, "all forms of life from the minutest virus to the giant sized whale are engaged in constant war fare with one another. The impulse to compete, survive and perpetuate was established in the self-replicating molecule of DNA (deoxy ribonucleic acid) at the time life began. Humanity implies peaceful co-existence of man in his relation with another and in an amicable social infrastructure in which a person grows not at the expense of another, but as a group of unexploitative and mutually cooperative members of homosapiens. A country's economic development is propelled by efficiency of labour and increasing labour productivity imbibing technological changes, nature of economic system obtaining, trading practices and dynamics of industrial relations. Research reveals that an organisation's survival greatly depends upon flexibility to incorporate changes that are entwined with resistance. But employers and employees are to commit themselves to industrial progress that leads to well-being of the nations and world at large. In order to provide congenial industrial atmosphere, industrial economics, continues to expand industrial relations and seeks to provide

machinery to impart justice with fairness to the toiling workers and investing employers in the present day era of globalization. The essence of globalization is that state should take a back seat in economic matters. Structuralists view globalisation process as a social and economic progress, combined with efficiency and human values.

II .THE RESEARCH PROBLEM

The problem is inadequate legal cover for the protection of labourers despite growing labour law system. Labour legislation is expected to provide equal treatment and protection for workers at the place of work and provision of better living conditions. The study is aimed at the problem of dispensation of justice to the workers under the purview of the Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada circle. Vijayawada and the redressal, compensation, and legal protection the workers have obtained to get their rights guarded.

III .THE LABOUR LAW SYSTEM

labour law systems consist of interlocking rules, each of which contributes to the operation of the system as a whole. The Indian constitution includes principles of state policy which guarantees right to work, to just humane conditions of work. The policy also provides for living wage and worker participation in management.

IV .IMPORTANCE OF THE STUDY

The present study adds to a growing body of empirical work with a clear message that strong industrial relations institutions, supported by labour laws give strength or support to a worker. The analysis available from studies clarify divergence in the effects of employee representation laws and industrial action laws. Thus the importance can be proved .

V .NEED FOR THE STUDY

In India, or in any Indian state a contextual analysis of labour regulation and legal systems provided that 7 per cent of workers in India are covered by the formal system of labour regulation. Labour regulation needs to be revised to reduce obstacles to economic growth and improved development.

Some authors have shown that Indian labour regulation has no adverse effect on levels of unemployment. But periods of lower unemployment led to legal protection. There is a special need to examine the redressal mechanism to compensate for the violation of protection of labour legislation aimed at good industrial relations to foster more conducive human relations. Thus the need is established.

VI. REVIEW OF LITERATURE

Labour regulation is the most debated subject in the Indian labour market. The debate on labour regulation in India has also been linked to the structure of employment – one view is that rigid labour regulations have hampered job creation in the formal segments of the economy – creating a huge mass of informal workers and casual workers who remain outside the purview of regulations. If labour laws do have an impact, they are unlikely to be a serious factor driving labour market outcomes, even in the manufacturing sector. The ILO's Decent Work Agenda further reinforces the idea of providing better working conditions for the workers. In this context, it becomes imperative to consider expansion of productive employment opportunities to people where the role of labour market intermediaries is of crucial importance. An attempt is to be made to understand the recruitment practices of private placement agencies in India and their challenges in adhering to the existing labour laws of the country. Thus a review of literature presented throws light on labour regulation debates to understand the issues related to industrial relations in the contest of globalisation to establish good human relations.

VII. OBJECTIVES, SOURCE OF DATA AND METHODOLOGY

OBJECTIVES

The study is undertaken with the following objectives.

1. To identify performance indicators to assess the justice delivery system operating in Vijayawada for various types of distressed workers.
2. To examine legal instruments and legal innovations to address the issue of employment relationships.
3. To study the process of arbitration with a view to bring out conciliation procedures to resolve disputes of various types.
4. To bring out efficiency of labour institutions associated with campaigns related to payment of wages by different employers.
5. To suggest suggestions based on findings.

METHODOLOGY & SELECTION OF THE SAMPLE

In order to assess the justice delivery system to redress the labour problems and their impact on good industrial relations based on sound human relations promoting atmosphere the researcher obtained information from different persons claiming for different types of redressals based on various labour laws. The case study method is utilised. Because there are different types of labour problems and their resolving methods, the technique of stratified random sampling is also used. The judgement sampling and purposive samples of methods are also taken up.

SAMPLE FOR THE STUDY

The Primary data is obtained from case study method. It is learnt that large number of cases involving 450 disputes between different categories empowers and employers approached the labour court at Vijayawada during the year of study. A sample of 45 related to Insurance claims and 58 cases related to payment of wages and 14 related to payment of gratuity and 19 under the purview of Andhra Pradesh Shops and Establishment Act, are included in the sample. There are 16 aggrieved persons who approached the office of the assistant Commissioner of Labour filing cases related to payment of wages and such cases with the office of the Deputy Commissioner of Labour are 13 in number. A total of 107 respondents were interviewed and the sample of 107 (23.78 per cent) cases of industrial grievances is analysed to assess the performance of the industrial disputes redressal mechanism. The sample is collected in the month of November 2014. The data relates to financial year 2013 and 2014.

VIII. ANALYSIS OF THE DATA

The office of the Deputy Commissioner of Labour (DCL), Krishna district, Andhra Pradesh has under its jurisdiction (9) circles. The DCL is assisted by 3 Assistant Commissioner of Labour (ACL) at Vijayawada with 9 circles which are distributed among 3 main towns like Vijayawada, Gudivada and Machilipatnam. The office of the DCL settles industrial disputes to promote ideal industrial relations. It is observed that during 2013-2014, the conciliation officer at Vijayawada invoking (Industrial Disputes Act) ID Act 1947, disposed off petitions numbering 10. These petitions were filed by the Andhra Pradesh Road Transport Corporation Employees Union. Among them, 4 were closed and they were referred to the Joint Commissioner of Labour for adjudication. The remaining 6 were pending with the office. The process of conciliation has failed in 4 cases and among them 2 are referred to office of the Joint Commissioner. The Labour Court at Vijayawada undertakes quasi-judicial functions invoking different Labour Acts. The data collected refers to cases related to number of labour acts such as payment of Wages Act, payment of gratuity Act, Andhra Pradesh Shops and Establishment Act and acts related to Insurance claims. There are different cases filed by plaintiffs and they are responded by the respondents. The researcher has identified performance indicators to present the disposal of industrial disputes and workers grievances at the offices of the DCL and ACL. The performance indicators are:

1. Industrial Disputes resolved.
2. Disposal of claims (quasi-judicial function)
3. Filing of claims and prosecutions related to different labour Acts.
4. Registrations licensing of establishments and registration of workers.
5. Action to stop child labour.
6. Implementation of Labour welfare fund Act, scheme-wise.
7. Welfare of building and other construction workers.
8. Collection of cess, The first indicator refers to industrial

disputes resolved and the details are provided in table 1. The first indicator refers to industrial disputes resolved and the details are provided in table 1

Table 1: Details of industrial Disputes resolved during 2013-2014

Sl.No.	Particulars	Details
1	Disputes pending at the beginning	18
2	Disputes received	1
3	Disputes resolved in conciliation	2
4	Disputes referred for adjudication	2
5	Disputes pending at the end	15
6	Percentage of disputes resolved	23

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. The essence of the table is that the percentage of disputes resolved is 23.53, it is to be understood that the process of disposal of disputes is to be expedited.

The performance office is evident in the number of disputes pending at the beginning and disputes pending at the end which are 18 and 15 respectively. The percentage of disputes resolved is 23.53 per cent. As regards the disposal of claims under quasi-judicial function table 2 provides details.

Table 2: Details of claims disposed by the court as part of QJF (Quasi Judicial Function) in the year 2013-2014

Sl.No.	Particulars	E.C. Act	M.W. Act	P.W. Act	APSE Act	P.G. Act	E.R. Act	Total
1	Claims pending at the beginning	251	1510	36	25	23	-	1845
2	Claims Received	10	100	-	4	-	-	114
3	Claims Disposed	25	70	-	1	1	-	97
4	Claims Pending at the end	236	1540	36	28	22	-	1862
5	Percentage of Disposal	9.58	4.64	-	-	-	-	
6	Amount awarded	669749	480944	-	-	-	-	71784
7	Workers Benefited	46	119	-	-	-	-	165

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. The table provides that 46 workers received in 66,97,491 (Rupees sixty six lakh ninety seven thousand four hundred ninety one) as monetary benefit under workmen's Compensation Act, (E.C. Act) while 119 workers obtained Rupees four lakh eighty thousand and nine forty four Rs. (44,80,944) under Minimum Wages Act. (M.W. Act). The total number of workers benefitted under E.C. Act and M.V. Act is 165 while the total while the total amount awarded stands at 71,78,435. The percentages of disposal of cases are 9.58 and 4.64 respectively under the said acts. The situation of claims pending at the beginning of the year (1845) and at the end of the year (1862) includes backlog claims of the previous years. The table indicates that the number of cases pending has increased over the year from 1845 to 1862. The judicial process requires different documents and certificate from the

applicants which involves physical labour and monetary payments at offices that issue the required certificates. The disposal of cases is to be improved with the cooperation of the improved efficiency of other related departments for the speedy disposal cases and award of monetary benefits.

Table 3: Particulars of the Filing of Claims and Prosecutions during 2013-14 by the labour authorities

S.No.	Particulars	M.W. Act
1	Claims to be filed (Target)	-
2	Claims Filed	100
3	Percentage of Filing	-
4	Claims pending at the beginning	1510
5	Total claims (Pending + Filed)	1610
6	Claims Disposed	70
7	Amount Awarded	480944/-
8	Workers benefitted	119

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. There are number of claims filed with a view to effect prosecution for the violation of the provisions of Labour Acts. Table 8 gives a picture of the filing of claims and prosecution. It is given to understand that some targets are also to be fixed to be achieved. Table 3 shows the particulars of claims and prosecutions. The table presents that the total claims pending along with those filed in the current year stands at 1610. The number of claims disposed is a meagre 70 with amount awarded totalling up to Rs. 4,80,944 with 119 workers benefitted. The point to note is that delayed disposal of claims discourages the workers who approach the courts. The process of the dispensation of justice is to be improved under fast track judicial procedures. Prosecution are imposed for violence's of different labour Act. The act-wise prosecution are also available and they are exhibited in Table 4.

Table 4: Particulars of Prosecutions (Act wise) Under Different Acts

S.No.	Particulars	APS E Act	MT W	B&O CW	B&C W Act	Child labour	Contract labour Act	ISM W Act	P.B. Act
1	Pending at the beginning	101	11	18	-	165	23	-	-
2	Filed	34	-	-	-	8	-	-	-
3	Disposed	30	-	-	-	14	-	-	-
4	Pending at the end	105	11	18	-	159	23	-	-

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. Table clearly states that the number of cases pending at the beginning and at the end of the year has increased in case of A.P.S.E. Act 101 to 105 and there is neither increase nor decrease under the Acts of MTW, B&CW and Contract Labour. The cases involving prosecution. Only in the case of child labour, the number as decreased from 160 to 159. The Andhra Pradesh Government established made Labour Welfare Fund Act and introduced different schemes to

promote labour welfare as a pre-condition for better industrial relations to usher in amicable human relations for a peaceful living in society. Table 12 presents the scheme-wise implementation of labour welfare activities utilising the labour welfare Fund Act

Table 5: Particulars of scheme-wise implementation of A.P. Labour Welfare Act

Sl. No.	Particulars of scheme	Claims disposed	Amount Awarded
1	Daughter's Marriage Gift	19	1,90,000
2	Scholarships to children	97	1,41,000
3	Scholarships to Physically handicapped children	1	4,000
4	Scholarships to children of workers (Professional course)	-	-
5	Financial Assistance to chronic diseases	2	40,000
6	Financial Assistance to AIDS effected workers	-	-
7	Funeral Expenses to depends of the workers	15	75,000
8	Financial Assistance for disability in Accidents	2	60,000
9	Legal Financial Assistance	-	-
10	Maternity Benefit	8	40,000
11	Natural death scheme	8	80,000
	Total	152	6,30,000

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. Welfare economics states that human welfare depends upon provisions of funds to carry on welfare activities. Human relations strengthen when a family successfully carries out its responsibilities such as performing marriages of daughters, education of children to make a happy home. Education and health are the two important inputs to bring out an ideal output of human welfare. The Government of Andhra Pradesh introduced many schemes that are described in the table. Out of the 152 claims under different schemes which are disposed, 97 relate to scholarships to children intended for promotion of education of children.

The essence of the table is that the A.P. labour welfare fund act provides to relief to workers under different schemes that make their life, financially strong to meet different types of expenditures, family needs to incur. There are different schemes intended specially for Building and other Construction of Workers under B&CW Act.

Sl. No.	Particulars of scheme	Claims pending at the beginning	Claims disposed	Claims pending at the end	Percentage of disposal
1	Maternity Benefit	130	98	32	75%
2	Natural death	235	199	36	85%
3	Marriage Gift	28	16	12	57%
4	Hospitalization	18	9	9	50%
5	Accidental Death	19	16	3	84%
6	Funeral Expenses	31	30	1	97%
7	Temporary disability	1	1	0	100%
	Total	462	369	93	

Table 6: Building and other Construction Workers Act (Scheme-wise)

Source: Computed from data provided by the offices of Deputy Commissioner of Labour and Assistant Commissioner of Labour, Vijayawada. Note: The data is available upto the month of November 2014. Table 6 shows that the disposal of claims is large with 462 claims pending at the beginning and 93 pending at the end of year. The claims disposed include 199 under natural death scheme followed by 98 under

maternity benefit scheme. The data collected from 107 respondents relate to payment of gratuity (at the office of ACL 14), APSE Act (at the office of ACL 19), while Insurance claims disposed of by the DCL are 45. At the same office disposed 13 payments of wages claims are settled. The ACL disposed off 16 payments of wages claims. Thus the sample 107 respondents received benefits under the labour legislation. The particulars of the disposal of claims and number of workers benefitted with amounts awarded are presented Act-wise in table 15.

Table 7:

S.L No.	Particulars	Acts				Total
		M.W. Act	PG Act	Insurance	APSE	
1	Number of claims filed	29	14	45	19	107
2	Number of claims disposed	27	1	25	1	54
3	Amount awarded	1,88,944	6,870	3,72,000	NA	5,67,814
4	Respondents benefitted	29	1	25	1	56

Source: Computed. Note: NA – The Respondents is unable to provide information.

Table 7 shows that 56 respondents are benefitted by the disposal of claims. They were awarded Rs. 5,67,814. The table provides that claims with respect to Insurance Act occupy the First position with Rs.3,72,000 awarded amount followed by 1,88,944 under M.W. Act and Rs. 6,870 under PG Act. The data on Insurance claim disposed reveals that out of the 43 Insurance claim highest claims are disposed by National Insurance Company with 11 claims disposed. It stands first followed by Oriental Insurance Company (10) New Insurance Company (9) as detailed by table .5

IX .FINDINGS AND SUGGESTIONS OF THE STUDY

The main Findings of the study are:

1. The percentage of disputes resolved is 23.53, it is to be understood that the process of disposal of disputes is to be expedited.
2. The judicial process requires different documents and certificates from the applicants which involves physical labour and monetary payments at offices that issue the required certificates. The disposal of cases is to be improved with the cooperation of the improved efficiency of other related departments for the speedy disposal of cases and award of monetary benefits.
3. The total claims pending along with those filed in the current year stands at 1610. The number of claims disposed is a meagre 70 with amount awarded totalling up to Rs. 4,80,944 with 119 workers benefitted.
4. Delayed disposal of claims discourages the workers who approach the courts. The process of the dispensation of justice is to be improved under fast track judicial procedures.
5. In a single drive against child labour 37 children were released. As per the Act, an amount of Rs.20,000 is to be deposited in the name of the child. There are 3 children in whose names Rs. 20,000 each amount to Rs.60,000 was deposited. The claims under minimum wages Act are

52 in number while the amount claimed is 1,53,629. Prosecutions were held and 14 prosecutions were disposed.

6. The study found out that appreciable work is done in the area of stopping child labour, Drives are conducted to effect prosecution. The prosecutions filed and disposed would act as deterrents for the employment of children.
7. The Government of Andhra Pradesh introduced many schemes. Out of the 152 claims under different schemes that are disposed, 97 relate to scholarships to children intended for promotion of education of children. It is followed by daughter's marriage gift scheme (19). It is commonly observed that performance of marriages of daughters of various types of workers is the heaviest burden that many times throws families into debts, ultimately resulting in disposal of the physical assets like land, house, gold etc.
8. An amount of 1,90,000 was awarded for daughter's marriage followed by scholarships to children 1,41,000. The national death benefit scheme benefitted workers. Eight such claims awarding Rs.80,000 is indeed a timely financial cooperation.
9. The disposal of claims is large with 462 claims pending with the beginning and 93 pending at the end of year. The claims disposed include 199 under natural death scheme followed by 98 maternity benefit scheme.
10. The sample of 107 Respondents received benefits under the labour legislation And the total amount awarded is 5,67,814.
11. Claims with respect to Insurance Act occupy the first position with 3,72,000 awarded amount followed by Rs.1,88,944 under M.W. Act and Rs. 6,870 under PG Act.

SUGGESTIONS

The study suggests that righteousness in industrialization brings unity between employers and employees, fostering human relations. Human relations based on good and ideal industrial character brings harmony in society. It ensures better lives of partner in economic activities. A healthy and happy home improves the individual health of workers to be able to help other workers to work together for industrial progress and wealth of the nations at large. Sound and just dispensation of justice to industrial partner promotes order in any industry. Order in industry needs to economic growth and ideal economic development for which industrial environment based on human relations is essential. As economics is essentially a science that deals with efforts to obtain goods and services required for satisfaction of human wants through individual social action, mutual cooperation between labour and capital which are complimentary to each other, under a judicial cover which protects both the interests of workers and employers, labour courts play the most important and dynamic role in the provision of justice through implementation of labour legislation. Globalization strategies delve on licensing and franchising contract manufacturing, managing contracting, turnkey contracts, joint ventures etc., business freedom, facilities, Govt. support, resources, competitiveness form

essentials of the globalization process. The strategies work out the ideals and take advantageous following from the process greatly requires suitable business environment in industrial sector as industrialization is an instrument of economic development. It depends entirely on industrial justice system. The competitive world greatly needs innovations for which incentives on the roots. Timely justice rendered is ideal. It is said that justice delayed is justice denied. Denied justice is a hurdle for promotion of healthy of workers in a welfare state. Insurance is an essential cover for the aggrieved and diseased workers. Welfare measures under welfare schemes and their fruits should made available to the aggrieved parties in a very short time. A happy home is the ideal ground for the promotion of efficiency of workers. The efficiency of workers greatly depends upon the working conditions both at work places and places of residence. The Govt. through labour legislation and prompt dispensation of justice, with imposition of punishments to the violators of labour legislation is required for sound industrial, human resource development. Human resources are to be nourished and promoted implementing labour legislations aimed at personnel development in industrial sector. As the study found that nearly 50% of the respondents are yet to receive the full benefits of disposal of cases, it can be suggested that efforts may be made to increase the number of labour courts and simplify the legal procedures to obtain justice as early as possible

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