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## Provisions Of International Labour Organization And Constitution Of India On Labour Welfare

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### **ABSTRACT:**

India has reconstituted the labour laws of various statutes into four labour codes, ie. Code on Wages 2019, The Industrial Relations Code 2020, Code on Social Security 2020 and the Occupational Safety, Health and Working Conditions Code 2020. These Codes have been prepared on the basis of the statutory laws like the Payment of Wages Act, the Industrial Disputes Act, 1947, the Trade Unions Act, etc. India is a member of the international Labour Organisation. These statutory codes have been in pursuance of the ratification of the International Conventions on Labour law. This paper aims to provide a glimpse of the International Labour conventions ratified by India and their provisions.

**KEY WORDS:** Child Labour, Labour welfare; Constitution of India; International Labour Organization

### **INTRODUCTION:**

In ancient period, India was ruled by autocrats. In the Hindu and Mohammedan era, the respective codes of Hindus and Muslims were followed as law of the land. A great economist, Sir Karl Marx has divided history into following five stages:

1. Primitive Communism- This period denotes the ancient age where there were immense resources and all were entitled to use/ exploit the resources as they wish. There was absolute equality and no discrimination on the basis of property.
2. Slave society- In this stage, people started to own property. Science and art developed. The rich made the poor their slaves. From this stage, the discrimination of a class of people and the concept of inequality in status emerged.
3. Feudal society- In this stage, the society was divided into slaves and landlords. The landlords were the owners of large natural resources and slaves were there labourers.
4. Capitalist society- In this stage, all the resources were owned, controlled and managed by a group of people who exploited those resources according to their monetary benefits. Even the labourer was there property whom they could sell or purchase.
5. Communism- Communism means the system of Government in which the State controls the means of production on behalf of its citizens with the aim of treating everyone equally. This is the case with modern Indian society.

However, with the emergence of slave system, the concept of equality ceased to exist and discrimination on the basis of status came into existence. So with the aim of establishing a egalitarian society where everyone is entitled for social, economic and political justice, the International Labour

Organisation (ILO) has framed several Conventions. These conventions and their role in Labour Welfare in India have been explained in this paper.

### **DEFINITION AND MEANING OF LABOUR WELFARE:**

The definitions of the term "labour welfare" by various organizations and research scholars have been defined as under:

1. "According to Prof. H.S., Kirkaldy, "The whole field of welfare is one in which much can be done to combat the sense of frustration of the industrial workers, to relieve them of the personal and family worries, to improve their health, to offer them some sphere in which they can excel others and to help them to a wider conception of life."
2. The Asian Regional Conference of ILO/ the Committee on labour welfare construed the labour welfare term as "such services, facilities and amenities which may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy and peaceful surroundings and to avail of facilities which improve their health and high morale."
3. According to Balfour committee, "Labour welfare refers to the efforts made by the employers to improve the working and living conditions over and above the wages paid to them. In its widest sense it comprises all matters affecting the health, safety, comfort and general welfare of the workmen, and includes provision for education, recreation, thrift schemes, convalescent homes". It covers almost fields of activities of workers e.g., social, economic, industrial and educational.
4. According to Labour Investigation Committee. "Anything done for the intellectual, physical, moral and economic betterment of the workers, whether by the employers, by the government or by other agencies over and above what is laid down by law or what is normally expected on the part of the contractual benefits for which worker may have bargained."
5. According to N.M. Joshi, "welfare work covers all the efforts which employers take for the benefit of their employees over and above the minimum standards of working conditions fixed by the Factories Act and over and above the provisions of the social legislation providing against accident, old age, unemployment and sickness".<sup>1</sup>

### **MEANING OF LABOUR WELFARE:**

Workers/ labourers are persons who are completely dependent on the wages or salary for their survival. The salary of a labour is set according to the type of work for which he is employed.

For example- in a coal mine, a labourer can be employed for extracting coal from the mine or can be employed for maintaining the accounts of the coal reserves extracted or coal units processed. A person doing either of the above work is a workman under Section 2(s) of the Industrial Disputes Act, 1947. But the person doing former activity has more risk of life and health than the latter one. This instance describes the need of LABOUR WELFARE. Thus the person doing former activity shall be conferred proper facilities for ensuring his health or vitality to the optimum level and to protect his life from dangers inside the coal mine.

Thus, the term "labour welfare" means to provide such facilities to the workman which would enable them to maintain their and their dependants health according to the level set by World Health Organisation and to fulfil other basic necessities of life with the aim of establishing a Democratic Republic.

The term Labour welfare can be explained in following words:

"Labour welfare implies the setting up of minimum desirable standards of the provision of facilities like health, food, clothing, housing, medical assistance, education, insurance, job security, recreation etc. Such facilities enable the worker and his family to lead a good working life, family life and social life."<sup>2</sup>

1. <https://www.yourarticlelibrary.com/management/labour-welfare-meaning-and-definition-of-labour-welfare/26101/>  
 2. <https://www.yourarticlelibrary.com/management/labour-welfare-meaning-and-definition-of-labour-welfare/26101/>

## **NEED OF LABOUR WELFARE IN PRE-CONSTITUTIONAL ERA IN INDIA:**

"The necessity for labour welfare is felt all the more in our country because ours is a developing economy aiming at rapid economic and social development. The need for labour welfare was felt by the Royal Commission on Labour in 1931.

The philosophy of labour welfare and its necessity was mentioned in a resolution passed by the Indian National Congress on fundamental rights and economic programme in its Karachi Session in 1931.

The resolution demanded that the organisation of economic life in the country must conform to the principles of justice and it might secure a decent standard of living. It also emphasized that the state should safeguard the interest of industrial workers and should secure for them by suitable legislation a living wage, healthy conditions of work, limited hours of work, suitable machinery for the settlement of disputes consequences of old age sickness and unemployment."<sup>3</sup>

## **CONSTITUTIONAL AND STATUTORY PROVISIONS ON LABOUR WELFARE IN INDIA:**

### **CONSTITUTIONAL PROVISIONS ON LABOUR WELFARE IN INDIA:**

India is a welfare State. It is a socialist country. Preamble to the Constitution of India imposes an obligation on the State to provide social, economic and political justice to its citizens. Thus it has provided certain directives to the State to achieve this aim **by doing labour welfare**. These directives are contained in Part IV of the Constitution entitled "Directive Principles of State Policy". Some of the provisions of Part IV of the Constitution are mentioned below:

Article 37 of the Constitution of India states that "the provisions contained in this Part (Part IV of the Constitution) shall not be enforceable in any court, **but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws**". Therefore Part IV of the Constitution of India states the principles that are fundamental in the governance of the country.

Article 38 provides the "State to secure a social order for the promotion of welfare of the people."

Following Articles lay down important directives for welfare of the labourers:

1. **Article 39: Certain principles of policy to be followed by the State--**The State shall, in particular, direct its policy towards securing--
  - (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
  - (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
  - (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
  - (d) that there is equal pay for equal work for both men and women;
  - (e) that the health and strength of workers, men and women, and the tender age to children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
  - (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment
2. **ARTICLE 41: Right to work, to education and to public assistance in certain cases.--**The State, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.
3. **ARTICLE 42: Provision for just and humane conditions of work and maternity relief.--**The State shall make provision for securing just and humane conditions of work and for maternity relief.
4. **ARTICLE 43: Living wage, etc., for workers.--**The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural,

<sup>3</sup> <http://www.yourarticlelibrary.com/management/labour-welfare-its-scope-and-importance/26102/>



industrial or otherwise, work a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

5. **ARTICLE 43A: Participation of workers in management of industries**--The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.

The Fundamental Duties of the citizens of India are contained in Part IV-A of the Constitution. The provision that is most important to ensure labour welfare is contained in Article 51A clauses (e) and (h). Article 51A (e) states It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

Article 51A (h) states: It shall be the duty of every citizen of India to develop scientific temper, humanism and the spirit of inquiry and reform.

Constitution of India confers six Fundamental Rights to the citizens of India, namely-

1. Right to Equality (Article 14, 15, 16, 17 and 18)
2. Right to freedom of speech and expression (Article 19, 20, 21 and 22)
3. Right against exploitation (Article 23 and 24)
4. Right to Freedom of Religion (Article 25, 26, 27 and 28)
5. Cultural and Educational Rights (Article 29 and 30)
6. Right to Constitutional Remedies (Article 32)

Right to Constitutional Remedies is by the issuance of appropriate writ to either save or enforce the Fundamental Rights of the citizens of India. Fundamental Rights have been conferred against the State. Therefore they can be issued to all bodies covered by Article 12 of the Constitution.

Article 12 includes following bodies within the compass of the term "State":

- (a) Government and Parliament of India
  - (b) Government and the Legislature of a State;
  - (c) local governments; and
  - (d) other authorities;
- which are within the territory of India or under the control of the Government of India.

Of these, Right against exploitation provides right to the labourers to ensure that they are living a dignified life. Article 23 states: **Prohibition of traffic in human beings and forced labour.**

Article 23(1) states: Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 23(2) states Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

In *Rai Bhadur v. Legal Remembrancer*<sup>4</sup>, Court held that "Traffic in human beings means to deal in men and women like goods, such as to sell or let or otherwise dispose them off. It would include traffic in women and children for immoral or other purposes."

In *Suraj Narain v. State of M.P.*<sup>5</sup>, Court held that "Begar commonly connotes forced labour for which no wages are paid or, if some payment is made, it is grossly inadequate. It means **making a person work against his will and without paying any remuneration.**"

<sup>4</sup> AIR 1953 Cal 522

<sup>5</sup> AIR 1960 MP 303

Article 24 states **Prohibition of payment of children in factories, etc.- "**

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

"...The Child Labour (Prohibition and Regulation) Act, 1986 specifically prohibits the employment of children in certain industries and leaves the scope for such prohibition in others..."<sup>6</sup> Also, there are many laws prohibiting child labour. In spite of these laws, the Court in *M.C. Mehta (Child Labour case) v. State of T. N.*<sup>7</sup> noted that menace of child labour is wide spread. There fore, it issued wide ranging direction in the context of employment and exploitation of children in Sivbaksi, prohibiting employment of children below the age of 14 and making arrangements for their education by creating a fund and providing employment to the parents or able bodied adults in the family. These directions were reiterated in *Bandhua Mukti Morcha v. U.O.I.*<sup>8</sup>, concerning the employment of children in a carpet weaving industry in Uttar Pradesh, India.

### **STATUTORY PROVISIONS ON LABOUR WELFARE IN INDIA:**

Some of the Statutory Provisions Regulating Employment of Children In Factories, etc are:

1. Indian Factories Act, 1948;
2. Mines Act, 1952;
3. Merchant Ship[ping Act, 1958
4. Motor Transport Workers Act, 1951;
5. Plantation Labour Act, 1951;
6. Bidi and Cigar Workers Act, 1966;
7. Apprentices, act, 1961 and many State Acts.

In India, before 1947, the country was dictated by the oppressive Britishers. "... (There was lack of) any control on organisation's labour by the State, the employers were very less concerned for the needs of their workers; wages were very low, very long working hours, and unsatisfactory the employees' working conditions. The situation led to the depiction of a large number of labor legislations beginning since the year of 1881."<sup>9</sup>

Some of the Indian statutes that provide provisions for welfare of labours are:

1. The Factories Act, 1881;
2. Mines Act, 1923;
3. The Trade Union Act and Payment of Wages act;
4. The Weekly Holidays Act, 1942;
5. The Industrial Disputes Act, 1947;
6. The Industrial Employment (Standing Orders) Act, 1946.

### **ADVANTAGES OF LABOUR WELFARE:**

The advantages of labour welfare are:

- "(1) It is helpful in winning over their employees' loyalty and to combat trade unionism.
- (2) It builds up a stable labour force by reducing labour turnover and absenteeism.
- (3) It raises the morale of workers. A feeling is developed among the workers that they are being looked after properly.
- (4) One of the reasons for provision of welfare activities in recent times by certain employers is to save themselves from heavy taxes on surplus.

<sup>6</sup> Dr. V.N. Shukla, *Constitution of India* 256 (Eastern Book Company, Lucknow, 2013)

<sup>7</sup> AIR 1997 SC 699

<sup>8</sup> AIR 1997 SC 2218

<sup>9</sup> <https://ijrmb.com/vol1issue1/2/amit.pdf>

(5) The motive behind provision of welfare activities by some companies is to enhance their image and to create an atmosphere of goodwill between the labour and management and also between management and the public.

(6) The social evils prevalent in the labour force such as gambling, drinking etc. are reduced to the minimum. It brings improvement in the health of the workers and keeps them cheerful."<sup>10</sup>

## **ILO- OBJECTIVES AND CORE CONVENTIONS:**

### **OBJECTIVES OF ILO:**

"The primary objective of the ILO is the creation of the International Labour Standards in the form of Resolutions and Recommendations. Resolutions are international treaties and instruments, which generate legally binding responsibilities on the nations that ratify those nations. Recommendations are non-binding but better set out guidelines orienting country wide policies, procedure and help in developing nations.

Ratification of a resolution enforces legally binding responsibilities on the nation concerned and, consequently India has been very careful in ratifying Resolutions. India have so far ratified 39 Conventions of the ILO, which is much better than the position obtaining in many other countries. Most of these Acts regulate rights and the responsibilities of employee."<sup>11</sup>

### **CORE CONVENTIONS OF ILO:**

The eight Core Conventions of the ILO (also called fundamental/human rights conventions) are:

1. Forced Labour Convention (No. 29)
  2. Abolition of Forced Labour Convention (No.105)
  3. Equal Remuneration Convention (No.100)
  4. Discrimination (Employment Occupation) Convention (No.111)
- (The above four have been ratified by India)**
5. Freedom of Association and Protection of Right to Organised Convention (No.87)
  6. Right to Organise and Collective Bargaining Convention (No.98)
  7. Minimum Age Convention (No.138)
  8. Worst forms of Child Labour Convention (No.182) **(These four have not been ratified by India)**

Consequent to the World Summit for Social Development in 1995, the above-mentioned Conventions (Sl.No. 1 to 7) were categorised as the Fundamental Human Rights Conventions or Core Conventions by the ILO. Later on, Convention No.182 (Sl.No.8) was added to the list.

As per the Declaration on Fundamental Principles and Rights at Work and its Follow-up, each Member State of the ILO is expected to give effect to the principles contained in the Core Conventions of the ILO, irrespective of whether or not the Core Conventions have been ratified by them.

<sup>10</sup> <http://www.yourarticlelibrary.com/management/labour-welfare-its-scope-and-importance/26102/>

<sup>11</sup> <http://ijrmb.com/vol1issue1/2/amit.pdf>

**LIST OF ILO CONVENTIONS RATIFIED BY INDIA:****List of International Labour Organisation Conventions Ratified by India**

Sl. No.	No. and Title of Convention	Date of ratification
1.	No.1 Hours of Work (Industry) Convention, 1919	14.07.1921
2.*	No.2 Unemployment Convention, 1919	14.07.1921
3.	No.4 Night Work (Women) Convention, 1919	14.07.1921
4.	No.5 Minimum Age (Industry) Convention, 1919	09.09.1955
5.	No.6 Night Work of Young Persons (Industry) Convention, 1919	14.07.1921
6.	No.11 Right of Association (Agriculture) Convention, 1921	11.05.1923
7.	No.14 Weekly Rest (Industry) Convention, 1921	11.05.1923
8.	No.15 Minimum Age (Trimmers and Stokers) Convention, 1921	20.11.1922
9.	No.16 Medical Examination of Young Persons (Sea) Convention, 1921	20.11.1922
10.	No.18 Workmen's Compensation (Occupational Diseases) Convention, 1925	30.09.1927
11.	No.19 Equality of Treatment (Accident Compensation) Convention, 1925	30.09.1927
12.	No.21 Inspection of Emigrants Convention, 1926	14.01.1928
13.	No.22 Seamen's Articles of Agreement Convention, 1926	31.10.1932
14.	No.26 Minimum Wage-Fixing Machinery, Convention, 1928	10.01.1955
15.	No.27 Marking of Weight (Packages Transported by Vessels) Convention, 1929	07.09.1931
16.	No.29 Forced Labour Convention, 1930	30.11.1954
17.	No.32 Protection Against Accidents (Dockers) Convention (Revised), 1932	10.02.1947
18.@	No.41 Night Work (Women) Convention (Revised), 1934	22.11.1935
19.	No.42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934	13.01.1964
20	No.45 Underground Work (Women) Convention, 1935	25.03.1938
21.	No.80 Final Articles Revision	17.11.1947



22. **	Convention, 1946 No.81 Labour Inspection 07.04.1949 Convention, 1947
23.	No.88 Employment Services 24.06.1959 Convention, 1948
24.	No.89 Night Work (Women) 27.02.1950 Convention (Revised), 1948
25.	No.90 Night Work of Young 27.02.1950 Persons (Industry) (Revised), 1948
26.	No.100 Equal Remuneration 25.09.1958 Convention, 1951
27.	No.107 Indigenous and Tribal 29.09.1958 Population Convention, 1957
28.	No.111 Discrimination 03.06.1960 (Employment & Occupation) Convention, 1958
29.	No.116 Final Articles 21.06.1962 Revision Convention, 1961
30.#	No.118 Equality of Treatment 19.08.1964 (Social Security) Convention, 1962
31.@ @	No.123 Minimum Age 20.03.1975 (Underground Work) Convention, 1965
32.	No.115 Radiation Protection 17.11.1975 Convention, 1960

#### **LIST OF ILO CORE CONVENTIONS NOT RATIFIED BY INDIA:**

1. Freedom of Association and Protection of Right to Organised Convention (No.87)
2. Right to Organise and Collective Bargaining Convention (No.98)
3. Minimum Age Convention (No.138)
4. Worst forms of Child Labour Convention (No.182)



## **IMPACT OF ILO's CONVENTIONS ON INDIAN LABOUR LAWS AND LABOUR WELFARE IN INDIA:**

India has ratified four core Conventions of the ILO. These core conventions have been studied with reference to the Constitution of India below:

### **FORCED LABOUR CONVENTION, 1930**

Some of the provisions of the Forced Labour Convention 1930 are:

Article 2:

For the purposes of this Convention the term *forced or compulsory*

*labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term *forced or compulsory labour* shall not include--

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and

that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

**Article 11 provides for limitations on provision where forced labour is valid under this Convention. It states:**

Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;

(b) exemption of school teachers and pupils and officials of the administration in general;

(c) the maintenance in each community of the number of adult able bodied men indispensable for family and social life;

(d) respect for conjugal and family ties....

Article 20 of the convention provides for provision to abolish punishment of forced labour in certain cases.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Section 4 of the Bhartiya Nyaya Sanhita 2023 provides 'Community service' as a mode of Punishment. The term 'community service' has not been defined in the definition section or any other provision of the Nyaya Sanhita. From a bare perusal of Section 8(4)<sup>12</sup> of the Nyaya Sanhita, Court can impose any term of imprisonment under the head of community service to which the offender is punishable for the offence. Thus, in India, even the punishment of community service do not provide for forced or compulsory labour and none of the statutes prescribe such a punishment.

### **EQUAL REMUNERATION CONVENTION, 1951**

Some of the provisions of the Equal Remuneration Convention 1951 are:

#### **Article 2**

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. This Article is in consonance with the provision in Article 39 of the Constitution of India. Article 39(d) of the Constitution states it is the duty of the State to ensure equal pay for equal work for both men and women.

### **ABOLITION OF FORCED LABOUR CONVENTION, 1957**

Some of the provisions of the Abolition of Forced Labour Convention 1957 are:

#### **ARTICLE 1:**

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour--

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

In reference to this Convention, Section 26 of the Industrial Disputes Act, 1947 provides penalty for illegal strikes and lock-outs. Section 26 of the Industrial Disputes Act, 1947 states:

Section 26. Penalty for illegal strikes and lock-outs.—

- (1) Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.
- (2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Industrial Disputes Act 1947 enlists Unfair Labour Practices in Fifth Schedule which expressly prohibits any coercion or instigation or forced labour.

### **DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958**

Some of the provisions of the Discrimination (Employment and Occupation) Convention 1958 are:

#### **ARTICLE 1:**

For the purpose of this Convention the term discrimination includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

<sup>12</sup> The imprisonment which the Court imposes in default of payment of a fine or in default of community service may be of any description to which the offender might have been sentenced for the offence.

2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment. The provisions mentioned in Article 1 of this Convention are mentioned in Articles 14 to 18 of the Constitution of India.

The impact of these Conventions of International Labour Organisation on Indian labour laws is that 25 Conventions of International Labour Organisation and one Core Convention out of the 4 core Conventions ratified by India have come into existence prior to the Constitution of India, so these Conventions played a role in shaping the Constitutional provisions which aim at welfare of labour and Labour laws that are in consonance with the provisions of Constitution of India.

Now the Question arises, what is the impact of Conventions of International Labour Organisation on Labour welfare in India? The answer is, many Conventions of the International Labour Organisation have been ratified by India, the Constitutional provisions and statutory provisions have been enacted in pursuance of it, now it depends on the implementation of these provisions. However, the impact of conventions of International Labour Organisation is positive since-

1. the number of child labour children have been reduced since 1947<sup>13</sup>;
2. most of the workers are paid equal wages for equal work of equal value;
3. the Courts of law are checking discrimination of workers and providing justice to them accordingly.

### **CONCLUSION:**

The Constitution of India aims to provide social, economic and political JUSTICE TO ALL THE CITIZENS OF THE COUNTRY. For ensuring this, there are statutory provisions like the Industrial Relations Code 2020, the Occupational Safety Code, etc. India has also ratified several conventions of the International Labour Organisation.

These laws are definitely of great importance in ensuring labour welfare, however, labour welfare requires increase in per capita income and fixed working hours for labourers to ensure protection of their health and safety and protect their constitutional and statutory rights.

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<sup>13</sup> <https://labour.gov.in/childlabour/census-data-child-labour;>  
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