

UNFAIR LABOUR PRACTICES IN INDIA: A MULTIDIMENSIONAL ANALYSIS OF LEGISLATIVE GAPS, HISTORICAL CONTINUITIES, AND TRADE UNION RESISTANCE

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ABSTRACT

Industrial Disputes between employers and employees are a common occurrence in today's Industrial world. Therefore, one of the most desired goals is to maintain positive working relationships between employers and employees. Collective Bargaining, a method of negotiation between employers and workers, represented by trade unions, to create working conditions that are advantageous to all parties, is particularly helpful in accomplishing the aforementioned. But even though India developed a number of regulations to organize and regulate the industrial sector after gaining independence, none of them addressed unfair labour practices. Through the Trade Unions (Amendment) Act, 1947, the Indian Parliament chose to include two sets of unfair labour practices, one pertaining to employers and the other to labour unions. However, these were not enforceable. Additionally, several unfair labour practices were listed in the Code of Discipline, 1958, which was approved by the central bodies of employers and workers at the sixteenth Indian Labour Conference. When the Maharashtra government adopted the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act in 1971, it was the first to successfully enforce a particular legal statute that forbade ULPs. However, only Maharashtra was subject to the aforementioned law, which constituted state legislation. In its initial report, the National Commission on Labour (1969) suggested that a law be passed that would recruit ULPs and provide them with appropriate penalties. Examining the moral duties of employers, trade unions, and regulatory bodies in maintaining the values of justice, fairness, and dignity in the workplace, it explores the ethical aspects of such behaviors.

Key words: Unfair, Labour, Strikes, Unions, Employers, and Workers

INTRODUCTION:

In India, unfair labour practices by trade unions and employers are a major issue. Employers can commit unfair labour practices by interfering with employees' ability to form a union, terminating employees for engaging in union activity, altering their terms of employment to their detriment during a dispute, declining to engage in collective bargaining with a union, revealing private information to the detriment of employees, or shutting down a business or enterprise without informing employees. By preventing or impeding workers

from working during a strike, intimidating or pressuring workers to join a union or take part in a strike, causing damage to the employer's property, participating in unlawful strikes or go-slows, or declining to engage in collective bargaining with the employer, trade unions can commit unfair labour practices.

These practices adversely affect both workers and employers, leading to reduced productivity, property damage, and strained relationships. It is vital to cultivate a culture of respect and collaboration between workers and employers, as both parties have a common interest in

ensuring business success and fair treatment of employees. By working in unison, workers and employers can help build a more just and equitable society.

Employers, workers, and the economy at large may all suffer from unfair labour practices. Employees who are denied their fundamental rights are more likely to be taken advantage of and produce less. Higher expenses, including lost productivity, strikes, and legal bills, may be incurred by employers who participate in unfair labour tactics. Additionally, the overall economy may suffer when there is instability in the workplace and a lack of confidence between employers and employees. One significant piece of legislation that supports the protection of employers' and employees' rights is the Industrial Disputes Act of 1947. The Act contributes to the advancement of industrial peace and concord by outlawing unfair labour practices. Legislation pertaining to industrial relations is especially significant since it establishes the roles, duties, and power of every worker in an organization. This law covers a lot of ground, such as pay and benefits, working conditions and hours, and dispute resolution procedures. Effective management of labour relations can contribute to increased output, worker satisfaction, and general industrial harmony. In conclusion unfair labour practices are a significant issue for both sides, with serious implications. Promoting a culture of respect and cooperation is essential to tackle this challenge.

HISTORICAL BACKGROUND:

India's history of unfair labour practices dates back to the late 19th century, when industrialization was just getting started. Workers frequently faced harsh and exploitative circumstances when factories and mills sprung up. They had little to no job security, put in a lot of overtime, and were paid little. Additionally, employers often suppressed worker agitation via intimidation and violence.

Workers started organizing into unions at the beginning of the 20th century in order to defend

their rights. Nonetheless, the government and companies frequently opposed unions. Employers employed a number of unfair labour methods, including as dismissing union organizers, banning employees who joined unions, and declining to engage in collective bargaining, to deter unionization.

The government's attitude toward unions was likewise oppressive. The Trade Unions Act, passed by the British government in 1926, limited the right to strike and outlawed union involvement in political activities. Additionally, the Act granted companies the authority to fire employees for any reason without providing warning or severance compensation.

Following India's 1947 declaration of independence, the government enacted several laws to safeguard workers' rights. Unfair labour practices, however, remained an issue. Workers' demands for improved pay and working conditions led to a wave of strikes and protests in the 1960s and 1970s. In response, the government passed legislation making strikes more difficult and clamped down on unions. The liberalization of the Indian economy started in the 1980s and 1990s. As a result, union power decreased and the employment of contract and casual labour increased. Additionally, employers started tracking and monitoring employees using new technology. Unfair labour practices thus increased in frequency.

Unfair labour practices are still a major issue in India today. Basic rights including the ability to strike, collective bargaining, and union formation are frequently denied to workers. In order to quell employee activity, employers also commonly resort to violence and intimidation.

UNFAIR LABOUR PRACTICES – STATE LABOUR LAWS:

Unfair Labour Practices can have disastrous effects for employees. They can lose their jobs, get demoted, or have their pay or benefits reduced. They might also experience harassment or threats. Workers may potentially experience violence in certain situations.

Businesses and the economy at large may suffer as a result of unfair labour practices. Employees are more likely to quit their employment and be less productive when they are not treated decently. Labour shortages may result from this, which could hurt the economy and businesses. The good news is that workers are shielded from unfair labour practices by existing legislation. You can complain to the proper authorities if you think you have been the victim of an unfair labour practice. Additionally, you might be able to bring a lawsuit in court. These are a few Real-world instances of unfair labour practices include:

- A manufacturing owner dismisses a worker for joining a union.
- If employees join a strike, a boss threatens to demote them.
- A business replaces striking employees with temporary labour.
- A group of workers are hired as casuals and retained for years, despite performing the same tasks as permanent employees;
- A worker is moved to a different department after complaining about unfair labour practices.

Although each state has its own labour laws, the central government of India enacts the majority of labour regulations. State labour laws include, for instance:

- **Bombay Industrial Relations Act, 1946**⁵³²: This law regulates the interactions between employers and employees.
- **Madhya Pradesh Industrial Relations Act, 1960**⁵³³: This law forbids employers from punishing workers for engaging in lawful trade union activities and provides for the settlement of labour disputes, among other things. Additionally, it establishes guidelines for resolving labour disputes and governs the interactions between employers and employees in specific areas.
- **The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour**

Practices Act, 1917⁵³⁴, encourages collective bargaining, grants trade unions recognition, and prohibits unfair labour practices.

It is crucial to remember that unfair labour practices affect more than only Indian workers. Regardless of a nation's degree of economic development, they can happen there. For this reason, it is critical that employees understand their rights and be ready to defend themselves in the event that they are treated unfairly.

FORMS OF UNFAIR LABOUR PRACTICES:

1. Wage Theft: In India, wage theft—which includes underpayment or nonpayment of wages—is a major problem, especially for vulnerable populations including migrant workers and those employed in the unorganized sector (Gangwar, 2019).⁵³⁵

In order to avoid paying minimum wages, overtime compensation, and other statutory benefits, employers frequently take advantage of legal loopholes or enter into informal employment agreements (Ghosh & Roy, 2017).⁵³⁶

2. Discrimination: In the Indian labour market, discrimination against people on the basis of gender, caste, religion, ethnicity, or disability is still a major issue (Sengupta & Bhattacharya, 2018).⁵³⁷ Social inequality and exclusion are sustained by institutional discrimination against women, Dalits, Adivasis, and marginalized people in hiring, advancement, and access to good employment prospects (Kaur, 2020).⁵³⁸

3. Forced Labour: In spite of legal restrictions, forced labour persists in a number of forms,

⁵³⁴ Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971

⁵³⁵ Gangwar R. Wage theft in the Indian garment industry: how wages are stolen, and how to prevent it. The journal of development studies, 2019;55(12):2618-2643.

⁵³⁶ Ghosh S, Roy S. Minimum Wage Enforcement in India: An Empirical Analysis. Indian Journal of Labour Economics, 2017;60(1):55-70.

⁵³⁷ Sengupta A, Bhattacharya D. Workplace Discrimination in India: A Study. Journal of Public Affairs, 2018;18(4):e1790-e1800.

⁵³⁸ Kaur S. Employment Discrimination in India: An Empirical Study. In: Equality and Inclusion in Indian Labour Law. Springer, Singapore, 2020, 69-97

⁵³² Bombay Industrial Relations Act, 1946

⁵³³ Madhya Pradesh Industrial Relations Act, 1960

such as debt bondage, trafficking, and bonded work (Verick & Williams, 2014).⁵³⁹

Untrustworthy employers and middlemen frequently subject vulnerable populations, such as migrant workers, agricultural labourers, and domestic workers, to pressure, exploitation, and harsh working conditions (Bhowmick & Saha, 2019).⁵⁴⁰

4. Child Labour: Millions of children in India work in dangerous and exploitative jobs, making it one of the countries with the highest numbers of child labourers worldwide (Kumar & Bhowmik, 2017).⁵⁴¹

Child labour continues to exist in industries such as domestic work, construction, manufacturing, and agriculture, depriving children of their rights to a dignified upbringing, education, and health care (Banerjee & Mukherjee, 2016).⁵⁴²

5. Harassment and Abuse: In India, workplace harassment—which includes bullying, intimidation, verbal abuse, and sexual harassment—occurs often but is not well documented (Kundu & Dutta, 2018).⁵⁴³ A culture of impunity is maintained when victims are discouraged from speaking up or seeking justice due to social shame, fear of reprisals, and insufficient redressal procedures (Ray & Majumdar, 2019).⁵⁴⁴

6. Denial of Labour Rights: According to Rathore and Choudhary (2021),⁵⁴⁵ many Indian workers are denied their fundamental labour rights, such as the ability to organize trade unions, participate in collective bargaining, and take part in industrial action.

In order to stifle workers' organizing activities and weaken their collective voice, employers use anti-union strategies include intimidation, retaliatory dismissals, and blacklisting union organizers.

IMPACT OF UNFAIR TRADE PRACTICES:

In India, the frequency of unfair labour practices affects companies, employees, and the country's economy as a whole. From the standpoint of human rights, these actions deprive workers of their economic stability, autonomy, and dignity by violating fundamental rights guaranteed by the Indian Constitution and international labour norms (Chatterjee & Banerjee, 2020).⁵⁴⁶

Furthermore, unfair labour practices prolong cycles of exploitation and marginalization, worsen poverty, and contribute to social inequality (Chakraborty & Debnath, 2019).⁵⁴⁷ Economically speaking, these actions impede equitable growth and sustainable development by undermining productivity, destroying trust, and upsetting worker relations (Kumar & Aggarwal, 2018).⁵⁴⁸

ROLE OF TRADE UNION:

In India, labour unions are essential to defending the rights of employees. In India, trade unions are governed by the TUA, 1926. It includes clauses pertaining to formation, registration, and additional provisions of the law pertaining to trade unions that are registered.⁵⁴⁹ In India, every employee is free to form a union or decline to join one. However, not every group of workers is categorized as a trade union." The Madras High Court, for instance, ruled that a group of Tahsildars, sub-magistrates of the court, and other government officials is not a labour union since its members carry out regal and sovereign duties. The members of the union

⁵³⁹ Verick S, Williams N. Forced Labour and Human Trafficking: Evidence from the ILO Special Action Programme to Combat Forced Labour. *India Perspectives*,2014;18(2):263-286.

⁵⁴⁰ Bhowmick D, Saha S. Bonded Labor in India: A Review. *Journal of Emerging Technologies and Innovative Research*,2019;6(2):250-254.

⁵⁴¹ Kumar V, Bhowmik P. Child Labour in India: Trends, Magnitude and Characteristics. *Journal of Emerging Technologies and Innovative Research*,2017;4(7):157-164.

⁵⁴² Banerjee S, Mukherjee S. Child Labour and Educational Deprivation: Experiences of Children in Domestic Work. In: *International Conference on Statistics*. Springer, Singapore, 2016, 651-660.

⁵⁴³ Kundu N, Dutta A. Sexual Harassment at Workplace: Evidence from India. *Gender Issues*,2018;35(3):226-246.

⁵⁴⁴ Ray A, Majumdar S. Occupational Stress: A Study of Women Employees in India. *Indian Journal of Public Health Research & Development*,2019;10(10):1675-1680.

⁵⁴⁵ Rathore SK, Choudhary S. Right to form unions in India: A study. *Journal of Asia Business Studies*,2021;15(3):408-428.

⁵⁴⁶ Chatterjee K, Banerjee P. Trade Union Movement in India. In: *Indian Economic Development*. Springer, Singapore, 2020, 141-155.

⁵⁴⁷ Chakraborty S, Debnath S. Informal Sector and Unfair Labour Practices: An Insight into the Indian Labour Market. *Indian Journal of Public Health Research & Development*,2019;10(10):1753-1758.

⁵⁴⁸ Kumar S, Aggarwal S. Understanding Labour and Employment Laws in India. In: *Business Environment*. Springer, Singapore,2018. p. 375-400.

⁵⁴⁹ Sodhi JS. Trade Unions in India: Changing Role & Perspective, 49 *IJLR* 2013;172:169-184.

do have some rights these rights become their means in being protected from Unfair labour practices, In the case of “All India Bank Employees’ Association v. N.I. Tribunal,⁵⁵⁰ some of these rights were highlighted these rights” are –

1. “The right of the members of the union to meet.”
2. “The right of the members to move from place to place.”
3. “The right to discuss their problems and propagate their views.”
4. “The right of the members to hold property” t should be noted, however, that the case went on to say that Art. 19 does not cover a right to the accomplishment of all the goals for which trade unions are created. It should be noted that a trade union that is not registered or whose registration has been canceled is not eligible to receive any of the benefits of IDA or TUA.⁵⁵¹ Because collective bargaining occurs within trade unions, trade unions are important to industrial relations in India. Collective bargaining, according to the Honorable Supreme Court, is “the process by which disagreements regarding working conditions are settled amicably by agreement rather than coercion.”⁵⁵² It should be mentioned that declining to engage in collective bargaining with the employer is considered an unfair labour practice. Additionally, in “B.R. Singh v. Union of India,”⁵⁵³ the union has the right to strike if the parties cannot agree on a collective bargaining agreement. The court has acknowledged strikes as a form of redress for workers’ grievances. However, there are some issues with this step because the SC made the underlying assumption that a recognized union represents all of the workers in the industry or industrial undertaking. As a result, even if some workers are not interested in joining the strike, they are still compelled to do so. “After the strike

the conciliation process begins, the proceedings began after the conciliation officer receives the notice of strike, the state government may appoint a conciliation officer to investigate the disputes, mediate and promote settlement during the cooling-off, further a board of conciliation may also be appointed in equal numbers on the recommendation of both the parties, it is to be noted that no strikes shall be conducted in this period., the process is concluded with one of the following experience i) Settlement ii) No Settlement iii) reference to labour court or industrial tribunal”⁵⁵⁴ The IDA’s “Section 7A establishes a labour court or an industrial tribunal inside each state government, consisting of one person selected to resolve labour issues.”

THE INDUSTRIAL DISPUTES ACT, 1947 – AMENDED ACT,1982:

Prior to 1984, when the Industrial Disputes (Amendment) Act, 1982⁵⁵⁵ added clauses defining and outlawing ULPs in the 1947 Act, India had any federal legislation addressing unfair labour practices.

Among other things, the changes added Sections 25T and 25U, which, respectively, forbid and penalize ULPs. Any employer, employee, or trade union—registered or unregistered—must refrain from unfair labour practices, according to Section 25T.⁵⁵⁶ According to Section 25U, anyone found guilty of any ULP faces a fine of up to Rs.1000, a maximum jail sentence of six months, or both.⁵⁵⁷

GANGADHAR PILLAI VS SIEMENS⁵⁵⁸– According to the Supreme Court’s ruling in this case, when an employee sues an employer under section 25-T of the Industrial Dispute Act for engaging in unfair labour practices, the worker bears the burden of demonstrating that the employer in question engaged in the unfair labour practice in question.

⁵⁵⁰ AIR 1962 SC 171

⁵⁵¹ Id.

⁵⁵² Karol Leather Karamchari Sangathan v. Liberty Footwear Company, (1989) 4 SCC 448.

⁵⁵³ (1989) 4 S.C.C. 710

⁵⁵⁴ Supra note 3, 20

⁵⁵⁵ Industrial Disputes (Amendment) Act 1982

⁵⁵⁶ Industrial Disputes Act 1947, s 25T

⁵⁵⁷ 3 Industrial Disputes Act 1947, s 25U

⁵⁵⁸ (2007) 1 SCC (L&S) 346

COLOR CHEMICALS LIMITED VS AL ALASPURKAR⁵⁵⁹

Respondents 3 and 4 were working the night shift in this instance. They were both asleep when the supervisor arrived on rounds. There were some raw materials added, and the machine was operating constantly. They were both fired for what was deemed to be serious misconduct. Their dismissal was based on their prior misconduct records, which show that respondent 3 had previously played cards, been caught, and received a warning. According to Respondent 4's records, he received just one warning while working there. The court ruled that an act will be deemed an unfair labour practice if the worker receives a punishment that is egregiously out of proportion to the delinquent act he performed and his prior records. Therefore, even in cases when the employee or employees' wrongdoing is serious, this decision severely limits the employer or industry from imposing disproportionate punishment. This case was somewhat of a turning point, and when the verdict was rendered, several cases began to use it as a precedent.

Furthermore, the 1982 amendment established Section 2(ra) and the Fifth Schedule, which together define the ULPs for employers, employees, and their trade unions. According to Section 2(ra), ULPs are the activities listed in the Fifth Schedule. The fifth Schedule is then split into two sections. The first section lists the actions taken by employers and their trade unions that make them eligible to be ULPs, and the second section lists the actions taken by employees and their trade unions that qualify as ULPs.

In India, unfair labour practices by trade unions and employers are a major issue. Employers can commit unfair labour practices by interfering with employees' ability to form a union, terminating employees for engaging in union activity, altering their terms of employment to their detriment during a dispute, declining to engage in collective bargaining

with a union, revealing private information to the detriment of employees, or shutting down a business or enterprise without informing employees. By preventing or impeding workers from working during a strike, intimidating or pressuring workers to join a union or take part in a strike, causing damage to the employer's property, participating in unlawful strikes or go-slows, or declining to engage in collective bargaining with the employer, trade unions can commit unfair labour practices.

Concepts to be primarily focused are:

- The act of firing a worker for participating in a strike is defined as one of the ULPs by the employer or the trade union of employers in Part I of the Fifth Schedule, Item 4(b). However, the aforementioned ULP does not apply in situations where a dismissal or discharge occurs because the strike was unlawful.⁵⁶⁰
- According to Item 1, Part II, any action taken by an employee or trade union of employees that resembles counsel, active support, and/or provocation to an illegal strike—as defined by Section 24 read with Sections 22 and 23 of the contested Act—is considered a ULP.⁵⁶¹

Workers or their trade unions are required to adhere to a comprehensive system of giving notice to employers prior to going on strike under Section 22 of the Industrial Disputes Act, 1947 (henceforth referred to as IDA), which only applies to employees of public utility services (those that provide services essential to society, such as water, oil, electricity, etc.). The strike is illegal under Section 24 if the aforementioned requirements are not met, and the employees risk being fired or fired for engaging in illegal strikes, which is not a ULP under Item 4(b), Part I of the Fifth Schedule, in addition to engaging in unfair labour practices under Item 1, Part II of the Fifth Schedule.

⁵⁵⁹ (1998) 3 SCC 192

⁵⁶⁰ Industrial Disputes Act 1947, sch. V, part I, item no 4(b)

⁵⁶¹ Industrial Disputes Act 1947, sch. V, part II, item no 1

INTRODUCTION OF INDUSTRIAL RELATIONS CODE:

Both employers and their trade unions and employees and their trade unions have maintained the definition of ULPs, which is included in the second schedule, since the Industrial Relations Code 2020 was introduced. However, the Code has broadened the definition of illegal strikes in comparison to the definition provided under Section 22 of the IDA.

- Insofar as it expands the definition of unfair labour practices in connection with unlawful strikes by trade unions and employees, is the recently passed Industrial Relations Code, 2020 harmful to workers?

Whether the newly enacted IRC 2020 augments the scope of ULP in relation to illegal strikes?

Before going on strike, employees or the trade union of employees working for public utility services were required to abide by specific standards under Section 22(1) of the Industrial Disputes Act 1947⁵⁶². This was carried out with the consideration that any disruption to a public utility organization's operations would result in significant societal annoyance.

However, since the Industrial Relations Code 2022 was introduced, employees and their trade unions must abide by all rules listed in Section 62(1), which is a combination of Sections 22(1) and 23 with minor adjustments⁵⁶³. This is true regardless of the type of organization in which they are employed.

As a result of the aforementioned modifications, the ability to strike was previously restricted in a limited and equitable manner by Section 22(1), which applied only to workers of public utility companies. The process was straightforward and advantageous when an employee of an industrial establishment—aside from a public utility organization—had to go on strike.

Item 1, Part II, which declares that any workers or trade unions for workers actively supporting,

advising, and instigating an illegal strike are said to be committing a ULP, has now been expanded in scope along with the restrictions placed on the right to strike since the implementation of IRC 2020.

We must realize that the foundation of collective bargaining is the right to strike, not a FR. Employers and their trade unions are more powerful, influential, and wealthy than workers and their unions; in these situations, the threat of going on strike is always a useful tool in the former's arsenal to get their demands met. The process of starting a strike has become more extensive and complicated for employees of all industrial establishments due to the expansion of the illegal strike's scope, making the aforementioned right challenging to execute. Because it is difficult to exercise, the workers' only real power for effective collective bargaining has been effectively taken away from them. In addition, if the right is exercised but is determined to be unlawful under the new definition, it will be deemed an unfair legal practice on the part of the workers and subject to punishment under Section 84 of the IRC.

Consequently, I do think that the recently passed Industrial Relations Code, 2020 harms workers insofar as it expands the definition of unfair labour practices in connection with unlawful strikes by trade unions and employees.

INTERNATIONAL LABOUR ORGANIZATION ON UNFAIR LABOUR PRACTICES:

The main instruments utilized by the government to stabilize the labour market by averting disputes and resolving those that do occur are the international labour standards established by the International Labour Organization. The ILO establishes labour standards to improve working conditions for workers by conferring and verifying with employers and workers to ensure that the standards are beneficial to both parties. In order to combat discrimination and unfair labour practices and to advance labour standards, the ILO has adopted numerous agreements pertaining to labour standards in workplaces.

⁵⁶² Industrial Disputes Act 147, s 22(1)

⁵⁶³ Industrial Relations Code 2020, s 62

Additionally, it recommends certain sanctions to stop employers from repressing workers, which is seen as unfair labour practices. For workers who have experienced unfair labour practices by their employers, the ILO offers a number of remedies. Among them are:

1. Injunctive or temporary injunction relief
2. Reimbursing bonuses and salary
3. Returning workers to their previous roles
4. Financial losses
5. A worker's record being expunged for mistreatment or unjust termination.

ENFORCEMENT MECHANISM:

Enforcement Mechanisms for legal demands to be translated into real protections for employees, effective enforcement mechanisms are necessary. In order to monitor workplace practices, look into complaints, and punish violators, government organizations charged with monitoring labour compliance are essential. To evaluate adherence to wage and hour rules, occupational health and safety requirements, and other labour laws, for instance, labour inspectors may do routine workplace inspections. By defining the rights and obligations of each party in the employment relationship, the legal framework provides a means of holding them accountable for their deeds. their conduct and ensuring conformity to recognized norms. Enforcement Mechanisms Effective enforcement procedures are required in order to convert legal demands into actual protections for employees. Government agencies tasked with overseeing labour compliance are crucial for keeping an eye on workplace procedures, investigating complaints, and disciplining offenders. For example, labour inspectors may conduct routine workplace inspections to assess compliance with wage and hour regulations, occupational health and safety standards, and other labour laws.

CHALLENGES:

Although it is intended to safeguard workers' rights and interests, India's labour relations regulation framework has certain flaws. This essay offers a critical investigation of the shortcomings in the Indian legal system's response to unfair labour practices, with an emphasis on enforcement gaps, legislative flaws, and implementation difficulties. By pointing out these shortcomings, this analysis hopes to contribute to legislative debates and advocacy initiatives that support improved worker protections and a more just workplace.

ENFORCEMENT GAPS:

Enforcement flaws in the regulatory framework are one of the main shortcomings in India's efforts to combat unfair labour practices. Enforcement systems frequently fail to adequately address infractions and hold offenders accountable, even in the face of strong legislative restrictions. Lax enforcement and impunity for offenders are caused by a combination of regulatory agency corruption, bureaucratic inefficiency, and limited resources.

For instance, there may not be enough resources or training for labour inspectors assigned to oversee adherence to labour rules, which could result in a lack of oversight in many businesses. Furthermore, because many workers function beyond the scope of regulatory scrutiny, the informal sector and the predominance of informal employment arrangements make it difficult to enforce labour standards. To guarantee the effectiveness of labour laws and discourage unfair work practices, enforcement gaps must be filled.

LOOPHOLES IN LEGISLATION:

The gaps and inconsistencies in the current Act represent yet another serious failure to curb unfair labour practices in India. Although labour regulations offer a structure Their efficacy in combating different types of unfair labour practices may be compromised by coverage

gaps and linguistic ambiguity (Benton, 2018).⁵⁶⁴ The Industrial Disputes Act, 1947, for instance, has a broad definition of "unfair labour practices" that might not include all instances of trade union malpractice or business wrongdoing. Similar to this, there may be ambiguity and disagreements due to statutory provisions controlling collective bargaining rights and dispute resolution procedures (Lee & Kim, 2021).⁵⁶⁵ Additionally, the growth of informal employment and contract work makes it more difficult to implement labour rules uniformly across industries and kinds of work partnerships (Turner & Bachman, 2018).⁵⁶⁶ To improve the efficacy of labour laws in combating unfair labour practices, legal provisions must be clarified and loopholes must be closed.

CHALLENGES IN IMPLEMENTATION:

Addressing unfair labour practices in India is hampered by operational issues in addition to enforcement shortages and legal loopholes. The dispersed Due to the state-level enforcement of labour laws and the structure of labour administration, different regions may have varying standards and procedures for enforcement (Grossman, 2019).⁵⁶⁷ Furthermore, the judicial system's inefficiencies and delays lead to drawn-out conflict resolution procedures, which compromise the prompt resolution of complaints (Trani, 2019).⁵⁶⁸ Additionally, attempts to effectively address unfair labour practices are hampered by workers' lack of knowledge and ability to express their rights and obtain legal remedies (Edelman et al., 2020).⁵⁶⁹ Increasing access to justice, fortifying implementation procedures, and raising awareness of labour rights are

crucial for conquering these obstacles and guaranteeing the efficient application of labour regulations.

SUGGESTIONS:

The following recommendations aim to rectify the shortcomings found in India's efforts to combat unfair labour practices:

1. Strengthen Enforcement Systems: Invest in providing labour inspectors with the tools and training they need to carry out exhaustive examinations and investigations. Establish a system of routine audits and monitoring to guarantee that labour regulations are being followed in all industries. Establish whistleblower safeguards as well to motivate employees to disclose infractions without worrying about reprisals.

2. Seal Off Legal Gaps: Examine current labour laws to find any coverage gaps or ambiguities. Legislation should be amended to handle new types of unfair labour practices, increase worker protections, and define terms more precisely. To guarantee that reforms are thorough and successful, confer with relevant parties such as employers, trade unions, and legal professionals. **3. Strengthen Implementation Capacity:** Increase the judicial system's responsiveness and efficiency to hasten the settlement of labour disputes. Boost financing for legal assistance initiatives and set up specialist labour courts or tribunals to deal with matters involving unfair work practices. Judges, attorneys, and labour activists should all receive assistance and training to improve their ability to manage labour-related matters.

4. Encourage Education and Awareness: Start public awareness efforts to educate employees on their legal rights and benefits. Employees, particularly those in sensitive industries or with informal employment arrangements, should have access to training and capacity-building programs so they can exercise their rights and file complaints. Collaborate with civil society organizations, trade unions, and community

⁵⁶⁴ Benton M. International labor standards: History, theory, and policy options. Princeton University Press, 2018.

⁵⁶⁵ Lee J, Kim S. Labor market and economic development. Routledge, 2021.

⁵⁶⁶ Turner J, Bachman J. The sociology of work and occupations. Routledge, 2018.

⁵⁶⁷ Grossman GM. Globalization, trade, and economic development: The CARIS research program in international economics. Princeton University Press, 2019.

⁵⁶⁸ Trani JF. Labor markets and employment relationships: A comprehensive approach. Routledge, 2019.

⁵⁶⁹ Edelman LB, et al. Perspectives on work, employment, and society. SAGE Publications, 2020.

groups to disseminate information and provide support to workers.

5. Address Socio-economic challenges:

Address more general socioeconomic problems that lead to unfair labour, such as poverty, inequality, and informal employment. procedures. To guarantee that workers have access to respectable employment and sufficient financial support, social protection programs such as minimum wage legislation, social security plans, and unemployment insurance should be put into place. Encourage inclusive economic development policies that give all facets of society equal rights to employment, skill development, and labour.

6. Encourage Communication and Cooperation:

Encourage communication and cooperation between government departments, businesses, labour unions, and civil society groups in order to address systemic problems and create workable solutions. Create advisory groups or multi-stakeholder platforms to promote consistent dialogue, consultation, and collaboration on labour-related matters. In order to foster consensus-building and conflict resolution in labour relations, support collective bargaining and participatory decision-making procedures.

CONCLUSION:

Unfair labour practices in India, deeply rooted in the colonial-era exploitation of workers, persist as a systemic challenge despite decades of legislative reform. The Industrial Disputes Act, 1947, and state-specific laws like the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, reflect attempts to curb such practices, yet enforcement remains inconsistent, particularly in the informal sector where wage theft, forced labour, and discrimination disproportionately affect marginalized groups. Historical patterns of suppressing unionization—through intimidation, retaliatory dismissals, and anti-union policies—continue to undermine workers' rights to collective bargaining and strike action,

perpetuating cycles of economic vulnerability and social inequality.

Contemporary forms of exploitation, such as contractualization, child labour, and gender-based harassment, highlight the inadequacy of existing legal frameworks in addressing evolving workplace dynamics. Trade unions, though instrumental in advocating for labour rights through litigation and collective action, face structural barriers, including fragmented representation and employer resistance. The judiciary's recognition of strikes as a legitimate tool for redress, as seen in *B.R. Singh v. Union of India*, underscores the tension between legal rights and practical implementation.

Addressing these challenges requires a dual focus on strengthening statutory protections—such as universalizing the Maharashtra model's prohibition of unfair practices—and fostering ethical employer-employee relationships grounded in transparency and dignity. Policymakers must prioritize closing loopholes in labour laws, enhancing monitoring mechanisms in high-risk sectors, and promoting awareness among workers about their rights. Ultimately, achieving industrial harmony demands collaborative efforts among unions, employers, and the state to align economic growth with equitable labour practices, ensuring that India's workforce is not merely a beneficiary of development but an active participant in shaping it.

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