

conversion to Islam, without dissolving the first marriage can solemnize a second marriage. The Court has held that such a marriage will be illegal and the husband can be prosecuted for bigamy under Section 494 of the Indian Penal Code.

Cases Article 29

In *Jagadev Singh Siddanthi v. Prathap Singh Danlita* : Supreme Court held that the right to conserve the language of the citizens includes the right to agitate for the protection of the language political agitation for conservation of a language of a section of citizens cannot therefore be regarded as a corrupt practice within the meaning of Section 123 of the Representation of the Peoples Act 1951 and like Article 19(1), Article 29 one is not subject to any reasonable restrictions.

Article 26: In *Raja Beera Kishore v. State of Orissa*. The management of temple of lord, Jaganath at Puri was taken away from the sole control of the Raja of Puri and vested in a committee by the Sri Jaganath Temple Act 1954. The act was held to be valid as it regulated only that aspect of the worship which related that it is managed by a religious or linguistic minority. Every citizen has a right not to be denied admission into any State maintained or State aided institution on the ground of religion, race, caste or language.

Article 29 applies only to citizens but Article 30 applies to both citizen and non-citizens

Conclusion

In fact India is country of great diversity, it is absolutely if we wish to keep our country united to have tolerance and equal respect for all our communities *etc.*, it was due to the wisdom of our founding fathers that we have a Constitution.

Which is secular in character, and which caters to the tremendous diversity in our country. Thus it is the Constitution of India which is keeping us together despite of all our tremendous diversity, because the Constitution gives equal respect to all communities, legal and ethnic groups

Notes and References

1. Shah Bano Case (AIR – 1985 SC)
2. Devadasam v. UOI (AIR 1964 SC)
3. Gulam Abbas v. State of UP (AIR 1984 SC)
4. In Atheist Society of India v. Government of A.P
5. In Re-Kerala Educational Bill (AIR 1958 SC)
6. Lily Thomas v. UOI (AIR July 2000)
7. People Union for Democratic Rights v. UOI (AIR 1982 SC)
8. S.P. Mittal v. UOI (AIR 1983 SC)
9. St. Xavier College v. State of Gujarat (AIR 1974) (7SC)
10. Sarala Madgul v. UOI (AIR 1995 SC)
11. S.R. Bommai v. UOI.

WORKERS PARTICIPATION IN MANAGEMENT W.R.T. INDIA – AN INSIGHT

By

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Abstract: The main aim of the concept of worker's participation in management is to help in increasing production, productivity and sharing the gains of productivity through

more effective management as well as through better industrial relations.

In order to achieve this goal, the Government of India has introduced a

number of schemes since Independence. However, all these attempts towards greater participation of workers in industrial management have failed to fulfil the objectives for which they were promoted. The present article discusses the concept of workers participation in management by analysing the objectives and various methods of workers participation. It also examines the advantages and limitations of the concept and argues that Indian scheme of worker's participation in management has not been implemented in full force thus most of the provisions were neglected as a mere idea.

Introduction :—Among the crucial problems of our industrial age, relations between labour and management occupy a prominent place. All over the world it has been increasingly appreciated that good labour - management relations greatly help in laying the basis for economic growth and social change. They provide foundations for building up new attitudes and institutions needed to keep pace with the dynamics of modern industry. There are lot of stresses and strains in the worker management relations. In order to get rid of this tendency and to ensure effective communications and mutual understanding between the management and workers, the concept of Workers Participation in Management is evolved.

In order to get rid of stresses and strains in the worker management relationship, an effective communication along with good mutual understanding becomes the base of the evolution of Workers participation in Management.

In a constant rush for rapid industrial development the human element in industrial development was scarcely recognized. In the midst of industrial progress, labour came to be looked upon as a commodity value which is used as a gauged replacement and scrapped when damaged or worn out.

The Clayton Act of 1914 declared that "labour is not commodity or an article of commerce". Thus it gave due recognition after a span of 30yrs post the Declaration of Philadelphia (adopted by ILO in 1944) which upheld the personality and dignity of the individual. Since then the worker was treated as a self-respected individual and not as a marketable commodity¹.

Co-operation between the workmen and management aims at ensuring increased production. It recognises the human element in the industry which gives workers greater interest in taking participation in the operation of undertaking. This results in enhancement of the industrial relations which promotes industrial peace and harmony.

The concept of workers participation in management is widely used but indistinctly defined. It is mainly the involvement of workers only in enterprise² where they can make some positive contribution in their betterment. The concept of Participation means sharing the decisions making power by the rank and file of an industrial organization through their proper representatives at all appropriate levels of management. It is a principle of attaining industrial democracy by ensuring the total involvement of the workers in achieving the organizational goals of the enterprise.

According to ILO the main implications of worker's participation in management are:

1. Workers can get to the root of a problem and their suggestions help in streamlining the organization's processes.
2. Workers may work more diligently if they are informed about the reasons

1. "Employers Participation in Management" by V.G. Mhetras, 1966. P.C. Manikantala and Sons Pvt. Ltd. 6, Fair Field Road No.4, Church Gate, Bombay-1

2. "Industrial Relations in India and Workers Involvement in Management" by Prof. V.P. Michael.

for and the intention of decisions that are taken in a participative atmosphere.

Objectives and Functions of Workers Participation in Management :

Maintaining cordial relations and effective communications are the essential prerequisites for establishing industrial relations. The latter is essential for industrial growth and productivity whereas communications largely depend upon mutual recognition. It facilitates to create a sense of belonging in the minds of workers.

The objectives of Workers Participation in India include improving productivity, performance, quality as well as working as a form of redressal forum for redressing the grievances of the workers. The objectives set by Management, workers and Government are different. Workers wish to achieve security of employment, better wages, satisfactory bonus, good treatment with good living conditions whereas employers aim at maximizing productivity and profit. At the same time Government aims in resolving industrial disputes, establishing industrial peace, harmony and increasing productivity.³

In India, the idea of workers participation in management is comparatively of recent origin.

The study conducted by Dale has revealed that there are 4 degrees of co-operation known as informational, Advisory co-operation, constructive co-operation and Joint-determination.

It is to be emphasized that an effective participation should enable the enterprise to make use of its manpower for the maximum achievement of its declared objective.⁴

Various forms of Workers Participation in Management:

One view is that workers or the trade unions should, as equal partners, sit with the management and make joint managerial decisions. The other view is that workers should only be given an opportunity, through their representatives, to influence managerial decisions at various levels.⁵

In practice, the participation of workers can take place by one or all the methods listed below:

1. Board Level Participation
2. Ownership Participation
3. Complete control
4. Staff or work Councils
5. Joint Councils and Committees
6. Collective Bargaining
7. Job Enlargement and Enrichment
8. Suggestion schemes
9. Quality circles
10. Empowered teams
11. Financial Participation
12. TQM

Works committee: The Industrial Disputes Act of 1947 has provided for the setting up of works committees in all undertakings employing 100 or more workers. The main objective for setting up workers committees is to remove friction between the employer and employees. Power has been given to appropriate Government to require works committees to be constituted in every industrial establishment employing 100 or more workmen and their duties will be to remove friction between the employer and employee in the day-to-day working.

Joint management councils: The industrial policy Resolution of 1956 adopted

3. "Employers Participation in Management" by V.G. Mhetras, 1966. P.C. Manikantala and Sons Pvt. Ltd. 6, Fair Field Road No.4, Church Gate, Bombay-1

4. Ibid

5. <http://www.scribd.com/doc/13280949/Workers-Participation-in-Management>

by the Government of India had suggested having some joint consultation between workers and management as a means for maintaining industrial peace and improving industrial relations. In spite of the world wide interest in the philosophy of joint councils since 1920's this theme received official recognition in India only during the 2nd Five Year Plan. The functions of Joint Management Councils were primarily consultative. They included (1) administration of standing orders and their amendments, (2) retrenchment, (3) Rationalization and closure. The position of the Joint Management Councils has been, more or less, the same as that of the works committees. Government was also not very much hopeful regarding the success of the system. Hence, the Government of India had made another effort to suggest shop councils or consultative committees, as a measure of workers participation.

Shop councils: Shop councils have been introduced in big industrial units after the declaration of National Emergency in June 1975. The tenure of shop council is for 2 years. The functions of the council would be to increase production, productivity and overall efficiency of the department and assist management in achieving monthly/yearly targets.

Joint councils: These were recommended in addition to shop councils, in order to make participation scheme effective. Joint councils were prescribed for every industrial unit employing 500 or more employees. Joint council would meet once in every 3 months. The joint council would deal with matters relating to:

- A. Optimum production, efficiency and fixation of productivity norms of man and machine for the unit as a whole.
- B. Functions of shop council which have bearing on another shop or the unit as a whole.

- C. Matters emanating from shop councils which remain unsolved.

Participation at the Board level: This would be the highest form of industrial democracy. The worker's representative on the Board can play a useful role in safeguarding the interests of workers. The Government of India took the initiative and appointed workers' representatives on the Board of Hindustan Antibiotics (Pune), HMT (Bangalore), and even nationalized banks. The Tatas, DCM, and a few others have adopted this practice.

Participation through ownership: This form of WPM involves inducing the workers to buy equity shares in order to make the workers shareholders of the company. To enable workers to buy equity shares, advances and financial assistance in the form of easy repayment options are extended. This form makes the workers committed to the job and to the organization.

Participation through complete control: In this the workers acquire complete control of the management through elected boards. Self-management gives complete control to workers to manage all aspects of industries through their representatives. Ensures identification of the workers with their organization.

Participation through Staff and Works Councils: In Staff councils or works councils the representation is of the employees. There may be one council for the entire organization or a hierarchy of councils. The employees of the respective sections elect the members of the councils.

Participation through Collective Bargaining: The process of collective bargaining involves discussions and negotiations between 2 groups as to the terms and conditions of employment. Through the process of Collective Bargaining, management and workers may reach collective agreement

regarding rules for the formulation and termination of the contract of employment, as well as conditions of service in an establishment.

Participation through Job Enlargement and Job Enrichment: In this form of WPM the workers are encouraged through job enlargement which denotes addition of task elements to their current job and another method is job enrichment which means that adding motivators to the job to make it more rewarding. But this form of participation is very basic as it provides only limited freedom to a worker concerning the method of performing his/her job.

Participation through Suggestion Schemes: The employees are encouraged to put forth their suggestion in solving the problems of the organization and reward will be announced to one who gave the best suggestion. This form of WPM increases the interest of the worker in solving problems of the organization. Progressive managements increasingly use the suggestion schemes. Suggestions can come from various levels.

Participation through Quality Circles: The process of Quality Circles involves defining, analyzing and solving quality related problems. The circle consists of seven to ten people from the same work area who meet regularly. These circles require a lot of time and commitment on the part of members for regular meetings, analysis, brainstorming, *etc.* Most QCs have a definite life cycle – one to three years. Few circles survive beyond that time limit.

Total Quality Management: The total quality management ensures total commitment of the organization towards quality. To acquire the desired quality, every step in company's processes is subjected to intense and regular scrutiny for ways to improve it.

Financial Participation: This method involves less consultations or even joint

decisions. Performance of the organization is linked to the performance of the employee. The logic behind this is that if an employee has a financial stake in the organization, he/she is likely to be more positively motivated and involved⁶.

Constitutional provisions related to Workers Participation in Management: The Constitution 42nd Amendment Act, 1976 makes a pioneering attempt to provide for the workers participation in Management in industry by suitable legislation in the Directive Principles of State Policy. Thus Article 43A of the Constitution (42nd Amendment) Act, 1976 provides:

“The State shall take steps, suitable legislation or in any another way, to secure the participation of workers in the Management of undertakings, establishment or other organizations engaged in any industry.”

The principle under laying the inclusion of workers participation in the Directive Principles of State Policy is to give due recognition to the workers and to create a sense of Partnership among them. It being a Constitutional imperative, the State is under an obligation to take suitable measures, legislative or otherwise to secure effective workers participation in management. But mere inclusion of Constitutional or statutory provisions would not serve the purpose. There is a need not only to evolve a suitable and workable statutory scheme of workers participation in industry but also a responsible and considerate trade union management which is equally responsible to fulfil the cherished objectives of Constitution.

Apart from the Directive Principle, the Government of India has also introduced the participation of Workers in Management Bill in Rajya Sabha on 30th May 1990. The Bill requires every industrial enterprise to

6. <http://www.scribd.com/doc/13280949/Workers-Participation-in-Management>

constitute one or more 'Shop-Floor Councils' at the shop floor level, and 'Establishment Council' at the establishment level. The Bill provides for the Constitution of a Board of Management of every corporate body owning an industrial establishment. The Bill also mandates the payment of penalties in contravention of the provisions of the Bill.

Advantages of WPM:

1. It increases the productivity
2. Ensures job satisfaction to the workers
3. Increased productivity and job satisfaction ultimately leads motivation
4. Improved quality
5. Reduces the costs as there is quality in the work

Limitations of WPM

1. Slows down the decision making process
2. Greater apprehension of information leakage from the representatives of workers.
3. Trade Unions' leaders are generally active members of various political parties, and hence they tend to give priority to political interests rather than the workers' cause.
4. Schemes of workers' participation have been initiated and sponsored by the Government. However, there has been a lack of interest and initiative on the part of both the trade unions and employers.
5. The focus has always been on participation at the higher levels, lower levels have never been allowed to participate much in the decision-making process.

Suggestions for making workers participation in management effective

1. Firstly, there should be a mutual understanding and willingness between

the workers and employers to develop harmonious relations between them.

2. The undertaking should have a well-established strong Trade Union and the Workers should be members of a registered Trade Union to represent collectively.
3. Workers and employers should be trained in the art of participative management.
4. Three tier system of participation namely, corporate level, plant level and shop floor level, should be encouraged in order to build harmonious relations between the three levels.
5. Workers should be given a chance to represent and to be consulted in every matter as they carry out the directions given by the employers.
6. Workers should be entrusted with some administrative responsibilities so that they feel that they are part and parcel of the organization.

Conclusion : In spite of having various forms, Constitutional provisions and also Bill, only the Government and the academicians have been interested in participative management. But participative management is staging a comeback. The compulsions of emerging competitive environment have made employee involvement more relevant than ever before. Managers and the managed are forced to forget their known stands, break barriers, and work together as a Union. Managers and workers are partners in the progress of business.

The organizations which demonstrated highest corporate social responsibility provided Worker's satisfaction and maximum return on their investment. The organizations have to bridge the gap between workers and management. It has to empower workers to take spot decisions on the shop floor and thereby reducing the time lag.

Workers should be invited to attend different forums in the organization to raise their concerns and they must be addressed. The Government should conduct regular audits to ensure workers are given opportunity to

participate in organization's forums as many company's do not adhere to such policies of Government. Workers should be given opportunity to represent their organizations in industry summits.

SOCIAL SECURITY MEASURES FOR UNORGANIZED WORKERS IN INDIA: A CRITICAL STUDY

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Abstract :

From time immemorial countries have been attempting in various ways to shield people against social and economic distress. These efforts gave rise to urgent needs for subsistence and to provide against adversities. The workers are broadly classified as organized and unorganized. The major chunk of the work force comprises of unorganized sector and only about 7% constitutes the organized sector. Several factors such as insecurity of employment, low wages, non-accessibility to social security measures and various disability insecurities influence them drastically which serves as an impediment for their consistent growth. The present article aims to discuss the various initiatives taken by the Governments at both Central and State levels to provide security to this sector. It also traces the origin of social security measures by focusing on the initiatives taken by the Legislature in enacting several laws. In this backdrop it throws light on various schemes and welfare funds provided by the Governments to the unorganized sector. An attempt has also been made to dwell upon the Constitutional provisions and International Labour Organization Provisions for this sector.

Introduction:

The concept of social security for workers over time has gained noticeable importance in the industrially potential country like India, to provide financial security during unforeseen situations faced by them like Job hazards, Post-Retirement Health issues, Emergency *etc.*

In the current scenario the topic became prevalent as it protects the interests of nearly 45 million labour workers and assures them benefits. The concept of social security has been transformed from charity-based to rights-based approach¹.

The advent of the theory of social security ways back to the era of Civil War but it was given impetus only in 1935. During the Civil War various forms of social security measures were created to give benefits to widows and orphans. Pension which was equal to the deceased soldier's salary was granted to the widows of deceased soldier. Later, in 1890 the measures were extended to even disabled soldiers. By 1910, nearly

1. See "Social Security of Unorganised Workers in India" by Faisal Fasih