

PROJECT DISSERTATION

ON

**“STUDY OF LABOUR LAWS SPECIFIC TO IT-
INDUSTRY AND ITS AWARENESS AMONG
EMPLOYEES*”**

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CERTIFICATE

This is to certify that Nimisha Singhal, Roll No: 2K18/EMBA/523, student of Masters of Business Administration (Executive 2018-2020) at Delhi Technological University, Delhi has accomplished the project titled “A study on labour laws specific to IT industry and its awareness among employees” under my guidance and to the best of my knowledge completed the project successfully, for the fulfilment of the course Executive MBA.

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DECLARATION

I declare that this report titled “Study of labour laws specific to IT industry and its awareness among employees” is my own unaided work. It is being submitted in partial fulfillment of the degree of Masters of Business Administration (Executive) to the Delhi School of Management, Delhi Technical University. It has not been submitted before for any degree or examination to any other University.

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ACKNOWLEDGEMENT

I, Nimisha Singhal, wish to extend my gratitude to Mr. Yashdeep Singh, Asst. Professor, Delhi School of Management (DSM), Delhi Technological University, for giving me all the guidance and valuable insights to take up this Semester Project.

I also take this opportunity to convey sincere thanks to all the faculty members for directing and advising during the course.

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EXECUTIVE SUMMARY

I have completed my project titled “Study of labour laws specific to IT industry and its awareness among employees” after in depth analysis of employee behaviour and level of their awareness related to labour laws.

I did primary data collection through questionnaire covering 50 people working in IT industry. I collected their views about laws that are existing and checked their awareness level. How much do they know about their company policies, are they aware about the laws, are they happy with the compensation given to them, are they happy with the number of working hours etc. I analyzed their views and interpreted their views in the report.

I also used secondary data from various sources like internet, magazines, journals etc. to gather information about history of labour laws, existing laws.

I concluded that the employees with more experience are aware about the laws but generally do not take action if these laws are exploited by the company. On other hand, young employees are not aware about such laws, but may form unions if they are exploited to extremes. After overall study, it was observed that mostly people were unsatisfied with wages in comparison to number of hours they worked.

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CHAPTER- 1:

INTRODUCTION

Labour law is a collection of laws that characterizes the privileges and commitments of workers, employers and members of union. Labour law is referred to as employment law in India. It mainly covers:

- Industrial relations such as labour-management relations, collective bargaining, unfair labour practices, Workplace safety.
- Employment standards, which includes general holidays, leaves and working hours.
- Dismissals, minimum wage, layoff procedures and compensation for mis-happenings.

1.1 History of Labour laws

Labour laws emerged because of the need of better working conditions for workers and demand of employers' to control the actions/powers of workers. These laws protect the rights of both employees and employers' in some way.

Indian labour laws are linked to the independence movement of India, and various campaigns by people to support the same, leading up to independence. Since India was under the rule of British, they did not allow formation of labour rights, trade unions, or any other law giving power to workers. Some of the laws enacted by Britishers were biased towards the interests of British companies. Workers who wanted better situations and working conditions and hence fought by campaigns and strikes through trade unions. After we got independence in 1947, the Constitution of India of 1950 included various fundamental labour rights in the constitution such as right to form trade unions, concept of equality at work and the right to get a living wage and have decent working conditions.

1.2 Purpose of formation of Labour Legislation

Labour legislation takes into account the social and financial challenges of the existing world. It takes into account the economic system, legal system and social behaviour of people. The three key roles of labour legislation are -

- It provides a legal framework facilitating good relations between the individuals and employers. This results in a productive and efficient economic system.
- All the parties (Employers, workers and their representatives) can follow same set of rules and are on the same page. Thus resulting in healthy environment at workplace.
- It clearly specifies the fundamental principles and guarantees the rights of all the parties (Employers, workers and their representatives). It has received broad social acceptance and is followed without any debates.

But past experiences clearly show that labour legislation can only be effective if all stakeholders (which involves labour of different industries, employers) actively participate during formation and amendment these laws included. This type of participation from stakeholders helps government build a framework that is beneficial practically (when applied on field).

1.3 Evolution of Labour law in India

In India, Labour law is also referred as Industrial law. As discussed above, labour legislation shares the history with the British Raj. The labour legislation put into practice by the British were biased and in primary interest of British employers. Thus, Britishers politically placed these early laws. Hence, came the Factories Act. Since, Indian textile market was strong, it gave strong competition to the British textiles in export market. Factories Act was introduced in 1883 to improve the condition of labour. As a result of Act, India acquired the first rule of 8 hours of work, the abolition of child labour and the limit of employment of women in night, and the payment of wages for work beyond 8 hours. Such a change resulted in motivation among the Indians.

One of the earliest Indian framework to manage the employer-worker relationship was the ‘Trade Dispute Act, 1929’. This act restricted the rights to perform strikes and lock outs but also did not provided any solutions to solve the disputes that occurred.

Thus these early laws of the colonial legislation were reviewed and modified. This was done because the independent India asked for a clear partnership between labour and capital. In December 1947, in a tripartite conference, it was agreed between authorities that labour rights

would be taken care. Labour would receive fair wage and working conditions and in return, they would provide full support in terms of productivity. They assured to contribute towards making the economy stronger. They agreed to follow a truce period of three years by not doing any strikes or lockouts. Finally, the 'Industrial Disputes Act' came into force on 1st April 1947 and is followed since then. Although some amendments are done on basis of need but the Act remains to continue.

1.4 Constitutional provisions of labour laws

By constitution of India, Labour laws have been classified based on :

1. Enactment and Enforcement.
2. Objectives of these laws.

Based on enforcement and enactment, labour laws can be classified as below:

- 1) Labour laws enacted by Central Government and enforced by the Central Government.
- 2) Labour laws enacted by Central Government but responsibility of enforcement lies with both, the Central and the State Government.
- 3) Labour laws enacted by Central Government but enforced by State Government.
- 4) Labour laws enacted by State Government and also enforced State Governments for respective States.

Based on objectives fulfilled, labour laws can be classified as below:

- 1) Laws associated with industrial relations.
- 2) Laws associated with remuneration- payment of wages, deduction and related matters.
- 3) Laws addressing social security.

- 4) Laws associated with nature and conditions of service such as the issue of working hours, weekly holidays, the interval between working hours, etc.
- 5) Laws associated with the issues of gender equality and women empowerment.
- 6) Laws associated with social evils and prohibiting them such as bonded labour, child labour, etc.
- 7) Laws associated with employment and training of the employees.

CHAPTER – 2:
LITERATURE REVIEW

2.1 Overview - Defining Focus Area of Study

Labour laws consist of various Acts and provisions. Classification of these laws based on two parameters have already been explained in the Introduction part of the report. These laws are applicable to all types of Industries. But, not all laws are applicable to each industry. For example, some laws apply to manufacturing sector, some may apply to service sector while some can be common for both the sectors. These labour laws divide the industry in 2 broad categories. :

1. Factory

Factory is any industrial establishment employing 10 or more than ten workers on any day in past 12 months and carrying out manufacturing activities with the aid of power OR employing 20 or more than twenty workers on any day in past twelve months and carrying out manufacturing activities without the aid of power.

Factories are regulated under Factories Act, 1948. This act is enforced by state governments with the help of Factory inspectors. It ensures well being of workers including health, safety, working hours, leaves. For large factories, it also considers establishment of canteens, creches and welfare committees, setting up of emergency standards and measures.

2. Shops and Commercial Establishments

Commercial Establishment is any place where any trade, business occurs or any work related with it happens. A commercial establishment can be:

Any registered society (registered under Society Registrations Act).

Any charity related trust.

Printing establishments.

Auditors and contractors establishments.

Mines which are not governed by mines Act.

Educational Institutions.

Any premise with Banking business, insurance business, stocks and shares.

Theaters and cinemas.

Restaurants, hotels, clubs.

Other places which are used for public amusement or entertainment.

Shop is a premise where any of below activity occurs:

Goods are sold. Sale can be either by retail or through wholesale market.

Services are provided to the customers.

However, a shop does not include a factory or any commercial establishment.

Shops and Commercial Establishments regulate under the provisions of Shops and Commercial Establishment Act. It defines clauses like number of working hours, number of fixed and paid leaves, payment of wages and issuance of letters etc.

An IT Industry comes under 2nd category. Now, an IT industry has many laws applicable on it such as :

- The Companies Act of 2013 .
- The Securities Contracts (Regulation) Act of 1956 .
- Laws and rules related to Social Security.
- Laws related to Empowering Women
- Laws or rules related to Wages

... many others.

Law being such a wide area, our study will be focused on Laws linked with conditions of services and employment -> which includes --> **The Shops and Establishments Act .**

Since, different states have their own Shops and Commercial Establishments Act. This study aims to understand the laws for the Shops and Commercial Establishments in Uttar Pradesh state.

2.2 Sections under UP Shops and Establishments Act

Note : The number in front of each of the heading below indicate the section number as per law.

6. Hours of work and overtime.

Child - 5 hours

Young Person - 6 Hours

Any other employee - 8 Hours

- Children and young person are not allowed to work for more hours.
- Other employees may be required to work overtime. However, total hours should not exceed 10 hours in one day except on day of stock - taking and making accounts. Also, total number of hours should not exceed fifty in any quarter.
- For every overtime work, employer shall pay wages twice the ordinary rate.

7. Rest Intervals

There should be at-least half an hour interval after not more than 5 hours of continuous work.

8. Close days

Every Shop or commercial establishment, should be closed for atleast

- A) One day in a week.
- B) All Public holidays

This close day can be altered by the employer only once in a year and would require the approval of the concerned authority.

9. Holidays

Every employee should be given holiday by employer

- A) One whole day a week
- B) Every Public holiday

10. Earned, sick and casual leave

- A) Every employee who has worked for atleast 12 months in a company is entitled to minimum 15 days of earned leave.
- B) Every employee who has worked for atleast 6 months in a company is entitled to minimum 15 days of sickness leave.
- C) Every employee eligible for above conditions is also entitled to minimum 10 days of sickness leave.
- D) Earned leaves can be accumulated to maximum of 45 days and should be encashed to the employee at the time of full and final settlement.

11. Payment for the refused leave

If an employee, having a leave to credit his credit for 45 days, is refused leave then he shall be entitled to get normal wage along with additional wage that he would have got if leave had been approved.

12. Wages for holiday and leave

An employee on a leave day is eligible to be paid wages equal to his/her working day wage.

13. Wage Period

- A) Every employer should fix a wage period for giving salaries to its employees.
- B) Wage period should not exceed one month.

14. Payment of wages for earned leaves

- A) An employee, on demand, is entitled to be paid half of the total amount for the number of leaves taken and the amount of last wage period.
- B) Employee is entitled to remaining half amount of leave period once he is back from leave. This will be paid to him along with the amount of first wage period.

15. Deductions

No deduction from the wages of employee is allowed.

16. Fines imposed on employees

An employer cannot impose a fine greater than 3 percent of the wages earned by an employee in a wage period.

17. Register of fines to be maintained

A register for all the fines imposed on employees should be maintained for records.

18. Wage recovery

The wages of employee, if not paid in wage period shall be recoverable in next period.

19. Termination of employment by employer

An employee should be given atleast thirty days notice before being asked to leave. He can be asked to leave only on below grounds:

A) If post held is retrenched.

B) If employee is not well of physically sound to perform the duty.

20. Termination of employment by employee

An employee shall serve the notice as per terms of employment or pay wages equal to the notice period not served by him.

21. Employment of Child

No child can be employed by any shop and commercial establishment for any work , except, as an apprentice.

22. Work by women and children in late hours

Women or children should not be allowed to work in night.

29. Inspector's appointment

The appropriate government, which is state government in this case, can recruit people as required for inspection purpose.

30. Powers to Inspectors.

An inspector has power to enter any shop and commercial establishment for the purpose of inspection. He can check records and registers maintained by the company.

31. Inspectors are public servants

All Inspectors as appointed by State government shall be public servants.

32. Maintenance of registers by employers

All employers should maintain records and records of all the activities handles by them, to be shown to inspector as proof of their compliance.

33. Non compliance of Provisions

Any person who does not comply with the rules shall be announced guilty.

3 5. Entitlement for Punishment

Any person declared non - compliant shall be liable to be punished and pay a fine of INR 100 for first time and INR 500 for every other consecutive time.

The above mentioned were some important sections of the 'Shops and Commercial Establishment Act' . Through the understanding of these sections we will try to find if IT companies follow these rules or not. And, if employees are aware about such laws or not.

CHAPTER-3
METHODOLOGY OF RESEARCH
ANALYSIS

3.1 OBJECTIVES

Primary Objective is to study Shops and establishment act and check its awareness among employees of IT sector.

Secondary Objective is to --

1. To know satisfaction level of workers towards their job and dealing conditions.
2. To notice the attention level of workers associated with labour laws and find the rationale behind unconsciousness (if existing).
3. To study the opinion of individuals on these laws.
4. To identify the effectiveness and usage of those laws.
5. To analyze the extent to that IT corporations follow these laws.
6. To know the importance of labour laws for staff members.

3.2 PURPOSE

To check level education level of employees related to laws and find the gaps and suggest how it can be improved.

3.3 METHODOLOGY

For this analysis, labour laws are studied through reliable government sources. Form was floated to folks and answers were analyzed. Through analyses, insights were drawn and therefore the set objectives were answered. These insights were derived to see the issues faced by IT workers and to seek out out solution to the issues.

RESEARCH-DESIGN

This study is a type of descriptive research.

POPULATION

The employees of IT sector.

SAMPLE SIZE

I have taken 50 people to analyze if they were satisfied with their wages, working condition, working hours etc. And were aware about labour laws or not.

SAMPLING UNIT

The folks operating in numerous IT connected industries solely.

TECHNIQUE USED FOR SAMPLING

Non-probability sampling --> as all people in the population do not have equal chance of getting selected.

Further, **Convenience, Haphazard or Accidental sampling** as the audience chosen for this research work is as per convenience.

3.4 METHOD USED FOR DATA COLLECTION

Questionnaire have been used to analyze the aspects related to employee awareness on labour laws.

QUESTIONNAIRE TYPE

Closed ended questions have been included the the questionnaire. These questions include:

- Likert Scale
- Multiple choice questions

3.5 LIMITATIONS OF THE STUDY:

Some limitations of the study are :

- The respondent would be limited so can't be treated as whole population
- The respondents may be biased.
- Internet information can be irrelevant.

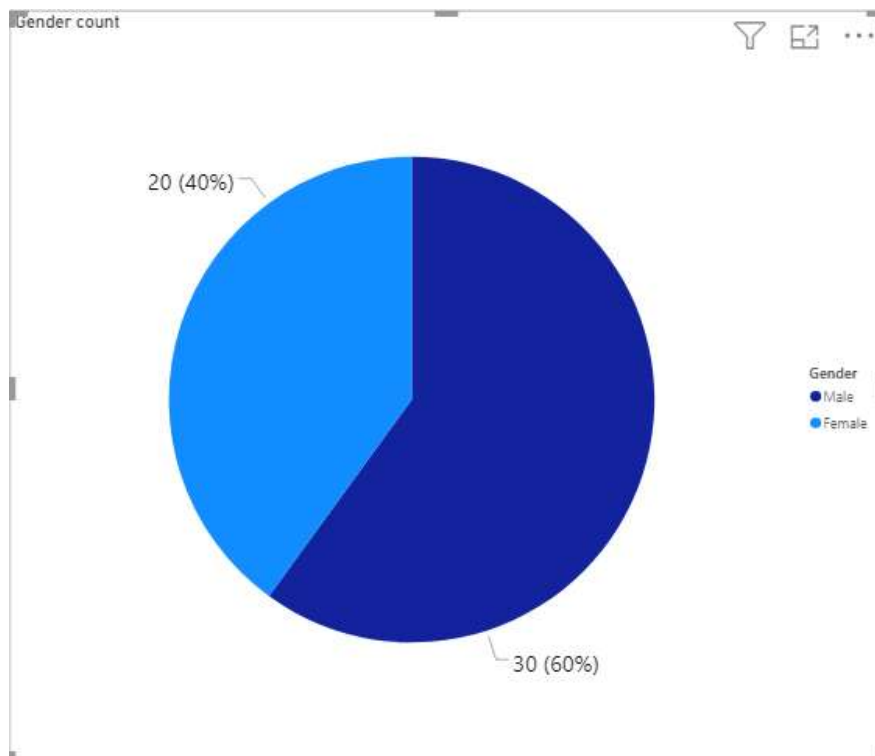
CHAPTER – 4:
ANALYSIS &
INTERPRETATION

In this survey, 58 responses were received.

Out of 58 employees, 50 belonged to IT industry and 8 belonged to other sectors.

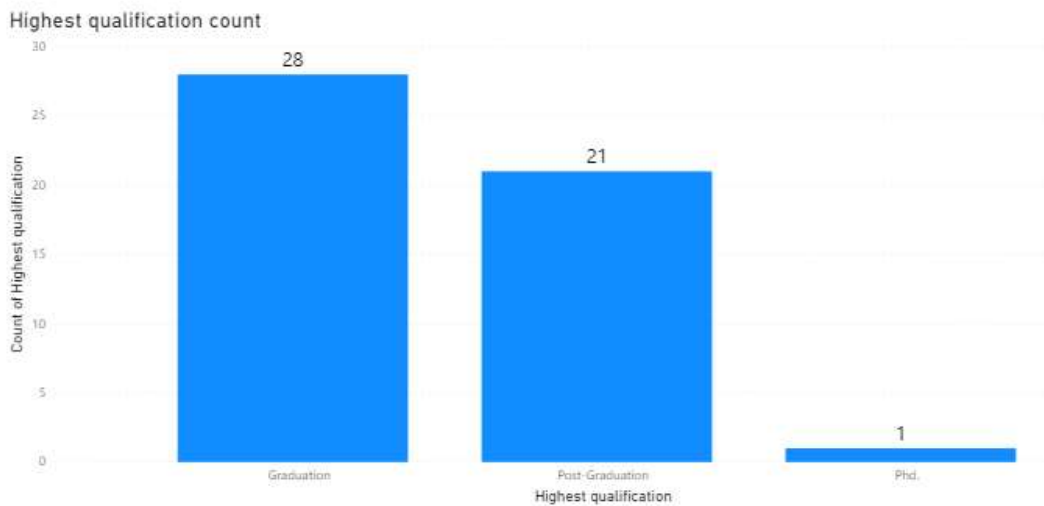
Hence, analysis has been done for 50 employees belonging to IT industry only.

1. GENDER WISE PARTICIPATION



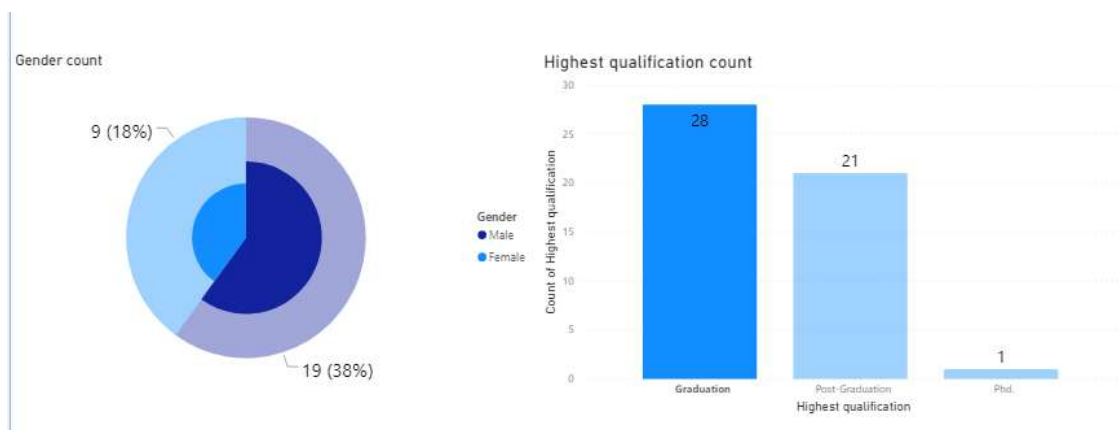
In my survey, 20 females and 30 males participated.

2. QUALIFICATION WISE DIVISION



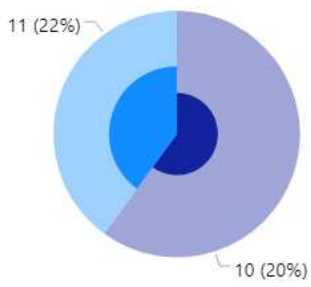
Mostly participation was from graduates in the survey.

3. GENDER WISE DIVISION FOR EACH QUALIFICATION

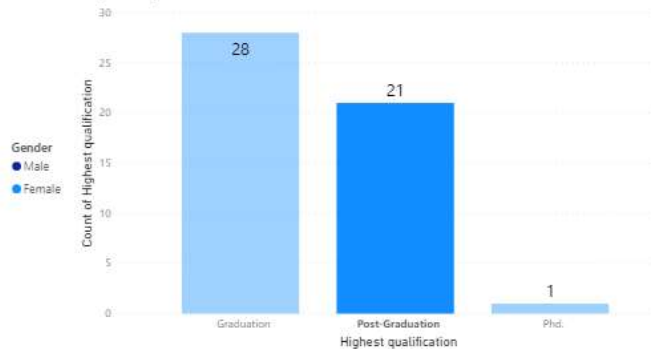


In graduates, 19 males and 9 females participated.

Gender count

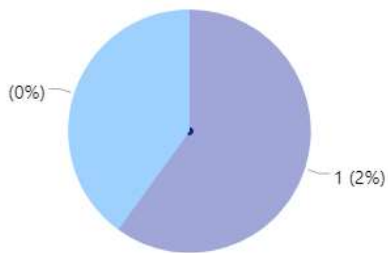


Highest qualification count



In post-graduates, 10 males and 11 females participated.

Gender count



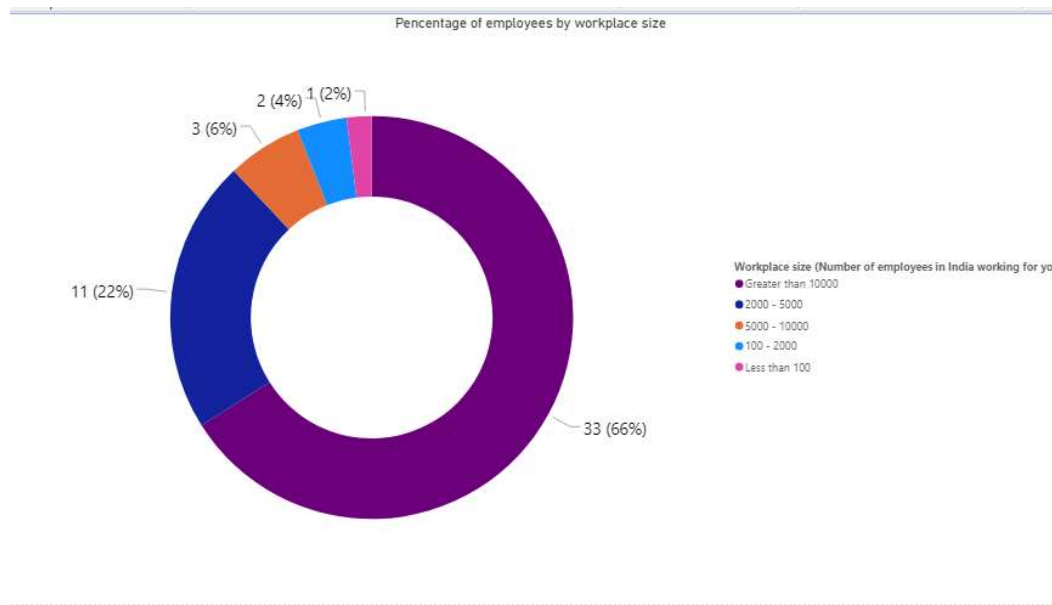
In phd. , 1 males and 0 females participated.

4. AGE DIVISION

Age (in years)	Count of Age (in years)
16-25	14
26-35	28
36-45	5
46-55	2
Greater than 64	1
Total	50

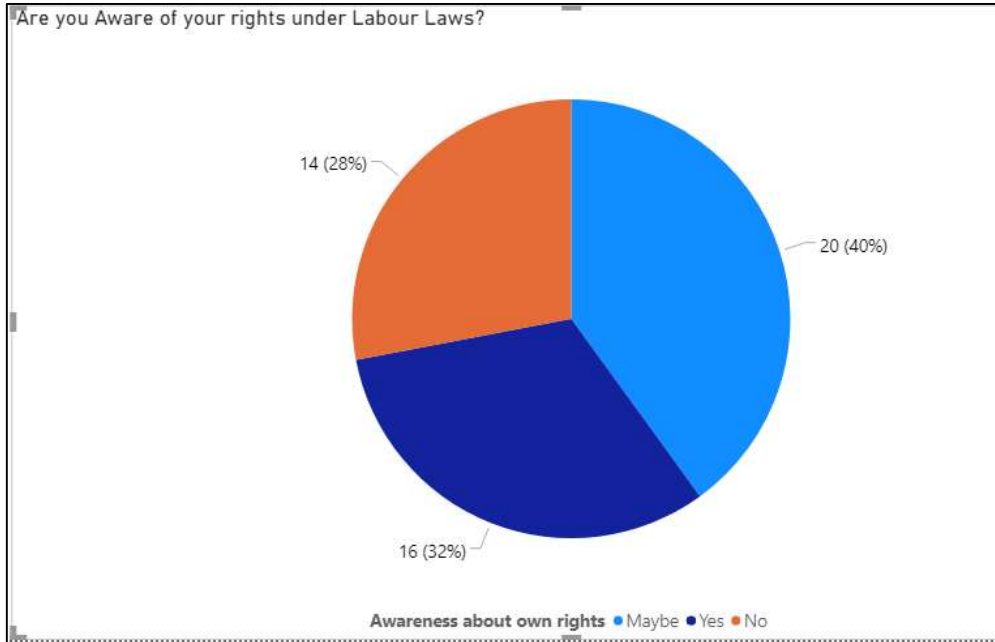
Maximum population belonged to age of 26-35 years.

5. WORKPLACE SIZE WISE DISTRIBUTION OF EMPLOYEES



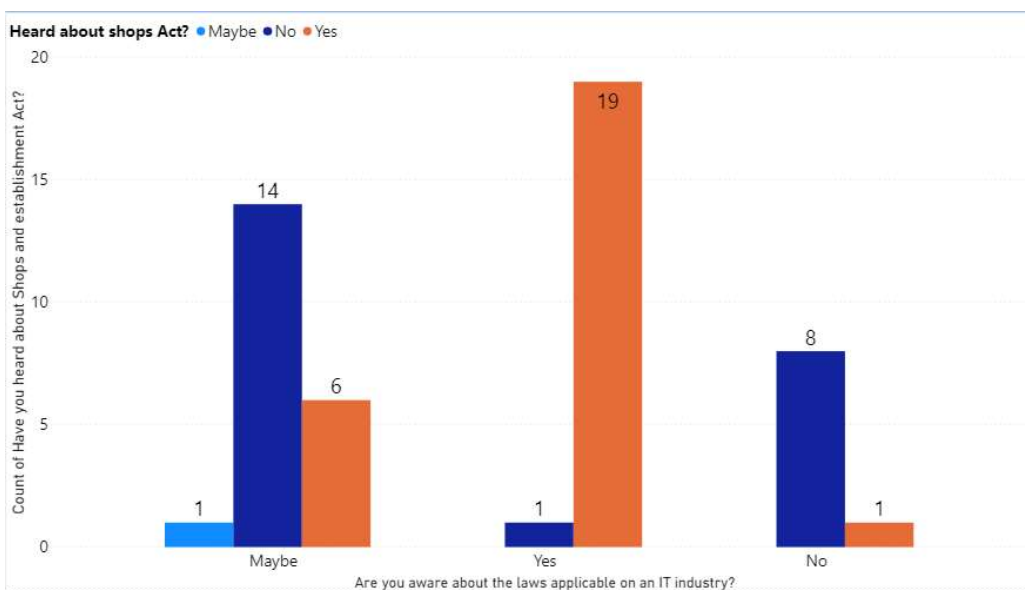
Maximum population belonged to the large workplace having employees manpower than 10,000.

6. AWARENESS ABOUT RIGHTS UNDER LABOUR LAWS



According to this analysis, more than 50% people believed that they were aware about rights applicable to IT industry.

7. ANALYSIS OF AWARENESS OF EMPLOYEES



A. Employees were asked if they were aware about laws in IT industry. They were asked to chose between **yes, no, maybe.**

B. Employees were further tested by asking if they were aware about ‘Shops and Establishment Act’.

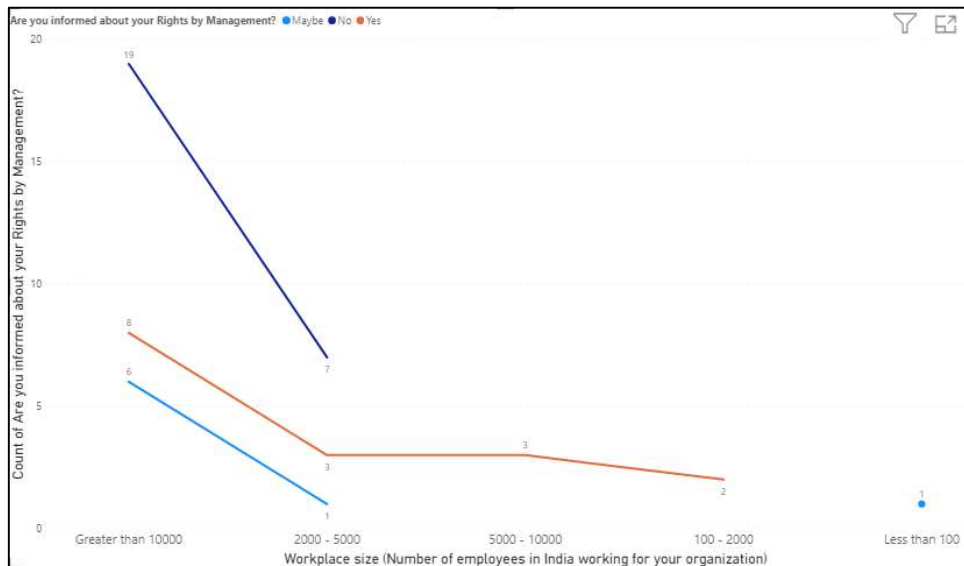
> Employees who said **yes** to ‘A’ and ‘B’ both were people who were actually aware about laws applicable on IT industry. These people were 19.

> Employees who said **maybe** to ‘A’ and yes to ‘B’ were employees who might also have good understanding of laws. These were 6.

People who actually might be aware about labour laws in IT industry = $(19+6)/50$

= **50%**

8. CHECK OF MANAGEMENT’S ROLE IN AWARENESS OF EMPLOYEES ABOUT THEIR RIGHTS BASIS ‘SIZE OF SIZE OF COMPANY’.

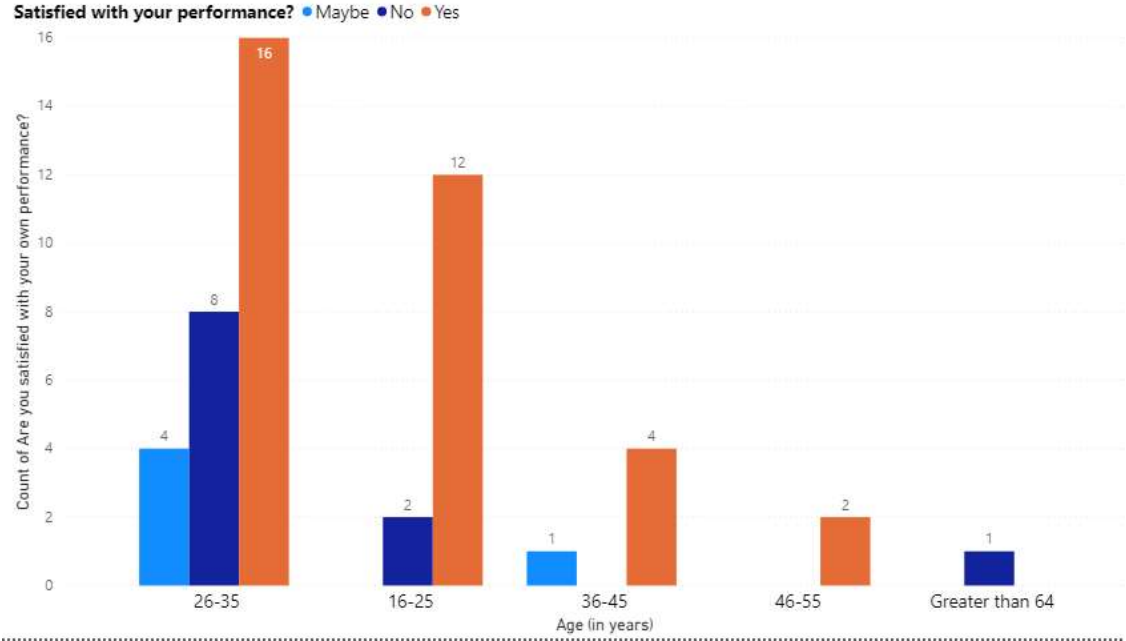


Employees who felt that they were well updated about their rights at workplace by management were very less. These were only 16 in number i.e $(16/50*100) = 32\%$.

Out of above 32%, 50% belonged to larger workplaces with manpower greater than 10,000. This might be because maximum population of survey belonged to large companies only.

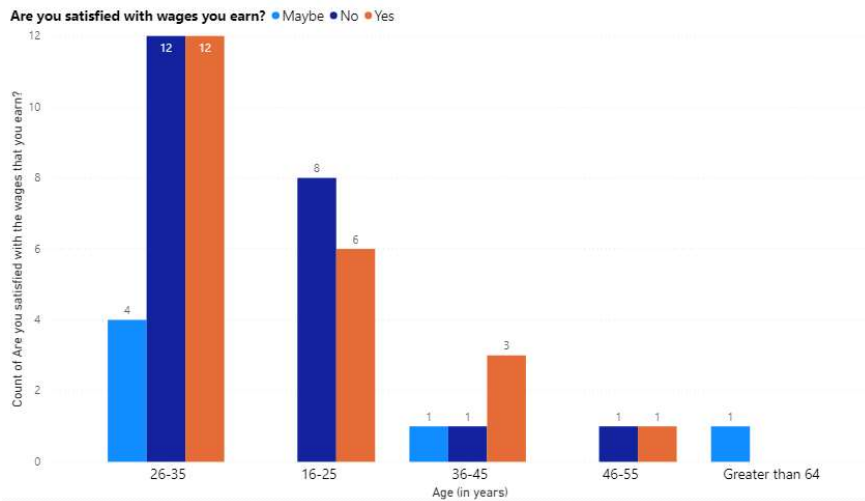
Hence we can conclude that in large corporations, awareness level is very less.

9. SATISFACTION OF EMPLOYEES WITH THEMSELVES BASIS PERFORMANCE LEVEL.



Maximum people in every age group said that they were satisfied with their own performance.

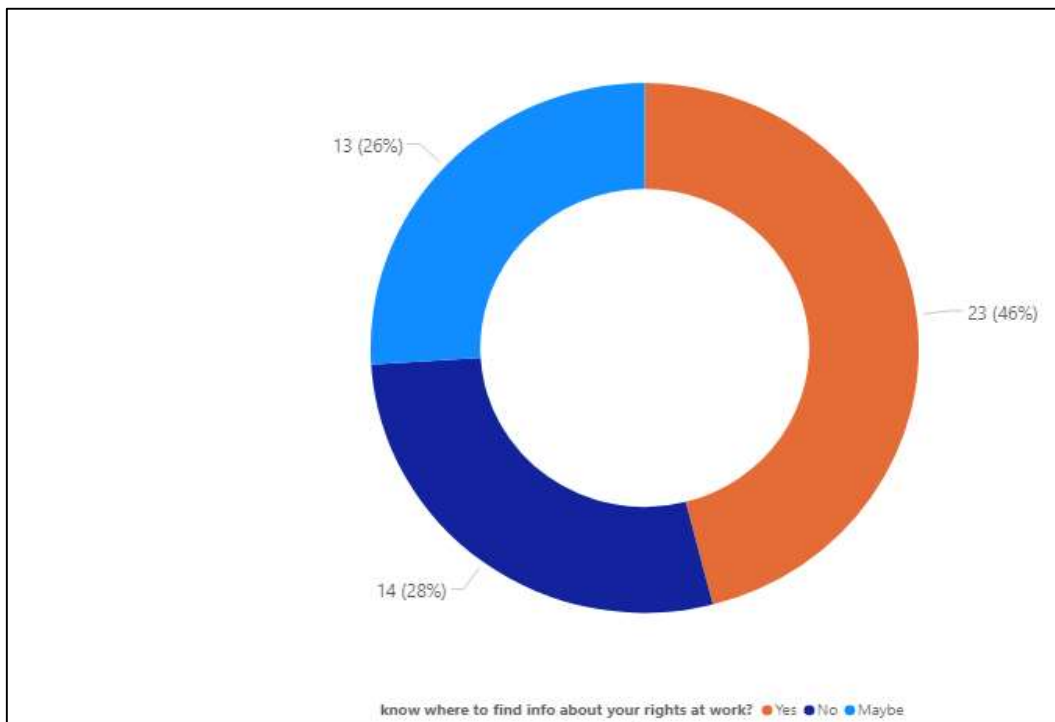
10. SATISFACTION OF EMPLOYEES WITH THEMSELVES BASIS WAGES THEY EARN.



In every age group, people who believed that wages they earn are at par were less.

Comparing above 2 graphs of point '9' and '10', we can say that employees believed that they are not being rewarded sufficiently as per work they do.

11. ANALYSIS OF AWARENESS ABOUT INFORMATION SOURCE FOR THESE LAWS.



- > Employees who felt that their employer was good in abiding by the laws were mostly dis-satisfied with 'wages for overtime'.

- > Employees who were not sure about their employer's lawfulness were majorly dis-satisfied by 'wages for overtime'.

- > Employees who felt that their employer was not good in abiding by the laws were also mostly dis-satisfied with 'wages for overtime'.

- > This shows that employees do work overtime but are not paid wages for their extra contribution.

CHAPTER- 5:

User Interface Design

check of

‘labour.gov.in’

To conduct User Interface Design (UID) analysis of a government website ‘labour.gov.in’.

About Website: ‘Labour.gov.in’ belongs to Ministry of Labour and Employment. The ministry aims to protect the interest of workers in general and provide them healthy, safe working environment. It aims to provide social security to the worker’s in both organised as well as unorganised sector. These objectives can be achieved through implementation of labour laws. This site aims to -

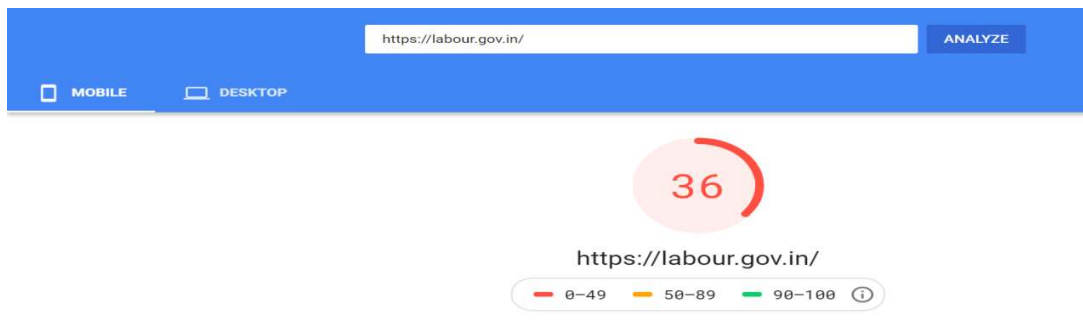
1. Make every information available to workers by posting information of every Act/Scheme enacted by government.
2. Provide latest updates about changes done in ministry or rules for labour welfare.
3. Ask suggestions from general public (if any) about any of action taken by government.
4. Provide information on Grievance redressal procedure.
5. Publish monthly/annual progress reports of work done by ministry.

About UID: User interfaces should be designed to match the skills, experience and expectations of its anticipated users. Implementation of a new User interface involves performing user analysis, system prototyping and prototype evaluation.

UID Analysis: Since we are testing an already established website, this website will be tested against certain parameters as below:

- 1. Page Speed and User friendliness rating: How much time does it takes for website page to get loaded.**





Field Data — Over the last 30 days, the field data shows that this page has a **Slow** speed compared to other pages in the **Chrome User Experience Report**. We are showing the **75th percentile of FCP** and the

After analysis, it was found that the site has moderate speed when accessed through laptop and slow speed when accessed through phone. It took 11.9 seconds to fully load a website on laptop screen.

1. Site Content Analysis :



According to this analysis done using woorank.com, it stated that

Passed → Titles, Meta description, page links, language of site is fine. Text size is fine and site is user friendly on mobile also. Traffic estimation of site is high.

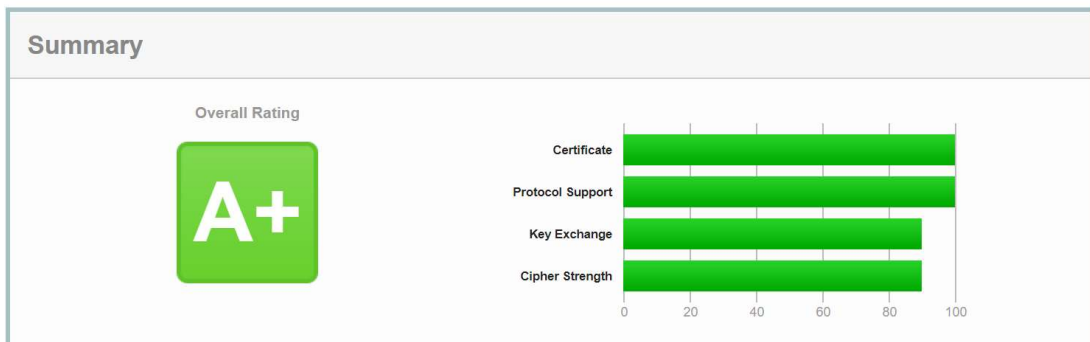
Problem with → Indexing of site. It detected that site do not have Site map, every URL did not direct user to same homepage. It rated the site low on social media engagement. Stated that this page was shared on facebook few number of times but did not had much shares on other platforms. It stated that site is mobile friendly but content does not fit within the specified viewport size. These were the areas site can be improved on.

2. Security and Privacy Issues

SSL Report: labour.gov.in (164.100.160.100)

Assessed on: Thu, 16 Apr 2020 19:02:43 UTC | [Hide](#) | [Clear cache](#)

[Scan Another »](#)



- . This analysis showed that the website is SSL secured (HTTPS).
- . The website's URL redirects to HTTPS pages.
- . The website is configured with HSTS.
- . Renew your SSL certificate required, it expires in a month.

3. Colour Displays: Does the colour scheme work for all users?

The screenshot shows a web accessibility testing tool interface. At the top, the URL 'https://labour.gov.in/' is entered in a text box, with a 'Check' button to its right. Below this, the tool reports 'Testing done on 800 elements' and lists three types of failures: 'Luminosity Contrast Ratio: 268 failures', 'Brightness difference: 268 failures', and 'Color difference: 268 failures'. A detailed view of a specific failure is shown below, labeled 'STRONG'. It displays a red-to-white gradient box with a white foreground and a white background. The tool reports: 'Brightness Difference is 0', 'Color Difference is 0', and 'Luminosity Contrast Ratio is 1:1'. A red error message at the bottom states 'Contrast is not sufficient'.

This analysis checked 800 items on the website and reported that out of 800 Objects/Elements, for 268 elements contrast is not sufficient and required improvement. But overall, average rating was good.

Some Other Parameters:

Above are some of the tests I was able to do using testing tools online. However, apart from above stated parameters there are many other factors on which a site can be analyzed and improved. I explored the site and some of the factors basis my observation are mentioned below:

User familiarity: It is **fine**, as words/terms used on website are basic and understandable for a common person. Besides, site is available in English as well as Hindi language.

Consistency: It is also **good** as commands and menus have the same format.

Minimal surprise: It is **average**. Duplicate data is available. When this data/pages/links are clicked, website throw error of page not found. Also, some features like 'Dashboards displayed by Ministry' are not self-explanatory and no description is available on same.

User guidance: There is **no user guidance available** for a person who is not much computer efficient.

Error messages: These are **poor**. Reason being, if a link is not accessible or could not get loaded, a blank page appears instead of an explanation of the same.

Content Up-to-date: The content of site is not updated on regular basis. As per my observation, there are several acts/schemes on labour laws which have been amended by government in recent years. But, updated clauses are not available for any of the Act.

User Reliability: Site is reliable for someone visiting the site just for past information or lodging a complaint. A person cannot rely on site for daily updates in Labour laws and schemes.

Conclusion:

The site seems fine on basic technical parts such as security, familiarity, consistency, speed, user friendliness etc. but lacks poorly on user reliability, content updation, user guidance and data description. Focus on some parts can result in better awareness/education of labour laws among people thus resulting in a stronger nation.

**CHAPTER- 6:
COMPARISON
WITH NIIT**

6.1 Comparison with NIIT Technologies Limited

23. Hours of work and overtime.

Not followed in some departments.

24. Rest Intervals

People dependant but provision is given.

25. Close days

Followed

26. Holidays

Every employee should be given holiday by employer

C) One whole day a week - Followed

D) Every Public holiday -Followed

27. Earned, sick and casual leave

Followed

28. Payment for the refused leave

Not Followed as a practice.

29. Wages for holiday and leave

Followed

30. Wage Period

Followed

31. Payment of wages for period of earned leave

Followed

32. Deductions

Followed

33. Fines imposed on employees

Were not able to find any case.

34. Register of fines to be maintained

Followed .

35. Wage recovery

Followed.

36. Termination of employment by employer

Followed.

37. Termination of employment by employee

Followed.

38. Employment of Child

Followed.

39. Work by women and children in late hours

Followed.

CHAPTER- 7:

CONCLUSION

From above survey it can be concluded that --

1. People working in IT industry were actually not aware about the IT laws in detail. They might be aware about PF, Gratuity and other statutory benefits but not about shops and establishment act in detail.
2. Management at large organizations did not take responsibility of spreading awareness about the rights of employees.
3. Demography did have impact on awareness level of employees, but it could not be analyzed clearly in this survey as maximum population belonged to same age group.
4. Some employees were aware enough to find the information of their rights, if required.
5. Main source of information on labour laws is the government site - 'labour.gov.in'. This site was analyzed and it was found that all laws were available for public to read, but, these were not the updated ones.
6. Many amendments are released by government in labour laws periodically but these are not updated on government website.
7. When comparison with an IT organization was done, it was found that the organization followed all the laws except overtime working hours. No one complained legally against company and same trend is being followed in every IT organization.

CHAPTER-8:

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