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## IMPLICATIONS OF LABOUR LEGISLATIONS IN INDIA: A REALISTIC ASSESSMENT

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### Abstract:

*The country has the distinction of having some of the most comprehensive labour laws in the world, even while having one of the largest fractions of the working population is unprotected and under privileged. Labour legislations are protecting the interest of the labour and promoting the welfare of labour community in India. Modern states are welfare state; their motto is to achieve the happiness of workers. Labourers are pillars of production system. Without labourer we can't produce a single article in the economy. Providing basic facilities for workers is an obligatory duty of the state and enjoying the basic facilities of workers are fundamental rights of the labourer provided for in the Indian constitution. Labour legislation has grown up as one of the most important social institutions in India.*

### KEYWORDS:

Labour , Assessment , Legislations , Implications.

### INTRODUCTION :

Labour legislation essentially means taking steps to increase production, productivity and employment opportunities in the economy while protecting overall interest of the labourer. Essentially, it entails skill development, re-training, re-employment, updating knowledge base of workers, promotion of leadership qualities etc. Changes in the labor legislations are done inter-alia for protecting the interests of workers. Provision of opportunity to work for its people and providing for dispensation of labour justice are important aspects of social justices' responsibility of any state. Labour law arose due to the demands of workers for better working conditions, and democratic environment.

Employers' costs can increase due to workers organizing to get higher wages or by laws imposing costly requirements, such as health and safety or equal opportunities conditions. In the third world countries- and especially in a country like India- these aspects get added significance where a large percentage of people live below the poverty line and suffer from problems of unemployment, under employment and commission of Unfair Labour Practices (ULPS) by employers against them. A mere 7.2 per cent of the Indian labour force is in organized sector, remaining 92.8 percent of workforce is in informal sector. It is estimated that not more than 2-3 percent of the labour force in India has access to claim of labour rights through collective bargaining process. Working people in all societies and more so in developing country such as India-are highly vulnerable to exploitation at the hands of the inherently more powerful employers.

#### **OBJECTIVES OF THE PAPER:**

The main objectives of the paper are as follows;

1. To discuss the various laws meant for the working class.
2. To examine the problems and performance of laws.
3. To evaluate the labour legislation in India.
4. To give suitable suggestions for effective implementation of labour laws.

#### **SOURCES OF DATA:**

This paper is based on secondary data collected from the books, journals, articles, Government report, Census report, labour department and economic survey etc.

#### **CONCEPTUAL ISSUES OF LABOUR LEGISLATIONS:**

Labour in the broadest sense of the term, may be defined as any hand or brain work, which is undertaken for a monetary consideration. The term 'labour legislation' is used to cover all the laws which have been enacted to deal with "employment and wages, working conditions, industrial relations, social security and welfare of workers employed in industries.

Labour Legislation refers to all the laws of government which have been enacted to provide social and economic security to the labour or worker. Labour law also known as employment law is the body of laws, administrative rulings and precedents which address the legal rights of, and restrictions on, working people and their organizations. As such, it mediates many aspects of the relationship between trade unions, employers and employees. In other words, labour laws define the rights and responsibilities of workers, union members and employers in the workplace.

#### **NEED OF LABOUR LEGISLATION IN INDIA:**

Organized industry in a planned economy calls for the spirit of co-operation and mutual dependence for attaining the common purpose of better production. In India, labour legislation is treated as an arm of the state for the regulation of working and living conditions of workers. The need for labour legislation may be summarized as follows:

1. To provide for the health, safety and welfare of workers.
2. To protect the workers against oppressive of economically weak and has little bargaining power.
3. To encourage and facilitate the workers' organizations.
4. To deal with industrial disputes and
5. To enforce social insurance and labour welfare schemes.

#### **PURPOSE OF LABOUR LEGISLATION:**

Labour legislation that is adapted to the economic and social challenges of the modern world of work fulfils three crucial objectives.

1. It establishes a legal system that facilitates productive individual and collective employment relationship.
2. By providing a frame work within which employers, workers and their representatives can interact with regard to work related issues, it serves as an important vehicle for achieving harmonious industrial relations based on democratic value at workplace.
3. It provides a clear and constant reminder and guarantee of fundamental principles and rights at work which have received broad social acceptance, and establishes the processes through which these principles and rights can be implemented and enforced.

#### **CONSTITUTIONAL PROVISIONS FOR THE LABOUR LAWS:**

The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in chapter-III (Articles 16, 19, 23 & 24) and chapter IV (Articles 39, 41, 42, 43, 43A & 54) of the constitution of India keeping in line with fundamental rights and directive principles of state policy respectively. The constitution of India the super ordinate law of the

land-guides all legislative, executive and judicial actions in the country. In its preamble, the constitution seeks to secure to the people, among other, 'justice, social, economic and political..... and liberty of thought, expression..... Article 19(1) (c) of the constitution on this ground norm guarantee to all citizens a fundamental freedom to form associations or unions'... part-IV of the constitution is titled Directive Principles of State Policy' which are directions to the state to operationalize a scheme of social justice and upliftment of the downtrodden guided by the basic postulates of welfare state.

Article 38(1) directs the state to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all institutions of the national life. Article 39 ordains that "the state shall, in particular, direct its policy towards securing-(a) that citizens... have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources' of the community are so distributed as to sub-serve the common good....(c) that there is equal pay for equal work...." This chapter of the constitution also obliges the state to provide for right to work (Article 41) ; just and humane conditions of work and for maternity relief (Article 42); a living wage, and conditions of work ensuring a decent standard of life (Article 43); and participation (through legislation or otherwise) of workers in the management of industrial organizations and establishments (Article 43A). The directive principles are considered so important that they have been described as the 'soul of the constitution'. The most crucial aspect of labour laws in any country is the labour relations. This branch of law enables the labour to organize and struggle to secure social justice by striving for a just sharing of organizational gains.

#### ANALYSIS OF LABOUR LEGISLATION IN INDIA:

Labour issues are of primary importance in almost all countries of the world, because the majority of the population is either selling or buying labour, and is dependent on such sales for their livelihood. The independent producer and self-employed worker are fast disappearing as a result of technological innovation and industrialization. This leads to establishment of two distinct classes in the society, which are employers and employees. Labour policy in India has evolved in response to specific need of the situation to suit the requirements of the planned economic development and social justice, and has a two fold objective viz, maintaining industrial peace and promoting the welfare of the labour.

The law relating to labour and employment in India is primarily known under the broad category of "Industrial law". The prevailing social and economic conditions have been largely influential in shaping the Indian labor legislation, which regulate various aspects of work such as the number of hours of work, wages, social security and basic facilities provided at worksite.

The labor laws of independent India derive their origin, inspiration and strength partly from the view expressed by important nationalist leaders during the days of national freedom struggle, partly from the debates of the constituent assembly and partly from the provisions of the constitution and the international conventions and recommendations. The relevance is to maintain the dignity of labour and the need for protecting and safeguarding the interest of workers.

The labour laws were also influenced by important human rights and the standards that have emerged from the United Nations conventions. These include the right to work of one's choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security protection of wages, redressal of grievances, right to organize and form trade unions, collective bargaining and participation in management. The labour laws have also been significantly influenced by the deliberations of the various sessions of the Indian Labour conference and the International Labour conference. Labour legislations have also been shaped and influenced by the recommendations of the various National committees and commissions such as first National Commission on Labour (1969) under the chairmanship of justice Gajendragadkar. National Commission on Rural Labour (1991), Second National Commission on labour (2002) under the chairmanship of Ravindra Verma etc. And judicial pronouncements on labour related matters specifically pertaining to minimum wages, bonded labour, child labour, contract labour etc, have also facilitated the passage of a number of labour legislations.

Under the constitution of India, Labour is a subject in the concurrent list where both the Central and State Government are competent to enact legislations. As a result, a large number of labour laws, have been enacted catering to different aspects of labour namely, occupational health safety, employment, training of apprentices, fixation on review and revision of minimum wages, mode of payment, benefit of compensation to workman who suffer injuries as a result of accidents or causing death or disablement, bonded labour, contract labour, woman labour and child labour, resolution and adjudication of industrial disputes, provision of social security such as provident fund, employees State Insurance, Gratuity, provision for payment of bonus, regulating the working conditions of certain specific categories of workmen such as plantation labour beedi, workers etc.

**The Important Labour Legislations:**

Some of the important labour legislations in India are follows:

- 1.The Trade Unions Act, 1926.
- 2.The payment of wages Act, 1936.
- 3.The employer's liability Act, 1938.
- 4.The weekly Holidays Act, 1942.
- 5.The Mica Mines Labour welfare Fund Act, 1946.
- 6.Employment Act,1946
- 7.The Industrial Disputes Act, 1947.
- 8.The Minimum wages Act, 1948.
- 9.The Factories Act, 1948.
- 10.Dock Workers (Regulation of Employment) Act, 1948.
- 11.The employees State Insurance Act, 1948.
- 12.The Plantation Labour Act, 1951.
- 13.The Mines Act, 1952.
- 14.Merchant Shipping Act, 1958.
- 15.Working Journalist (Fixation of Rates of wages) Act,1958
- 16.The Apprentices Act, 1961.
- 17.The Maternity Benefit Act, 1961.
- 18.The motor Transport working Act, 1961.
- 19.The personal Injuries (Emergency Provisions) Act, 1962.
- 20.The personal Injuries (compensation Insurance) Act, 1963.
- 21.The payment of Bonus Act, 1965.
- 22.The contract Labour (Regulation and Abolition) Act, 1970.
- 23.The payment of Gratuity Act, 1972.
- 24.The Sales Promotions Employee (conditions of service) Act, 1976.
- 25.Sales Promotion Employees Act,1976
- 26.The beedi workers welfare cess Act, 1976
- 27.The beedi workers welfare fund Act, 1976
- 28.The Iron ore Mines,Mangances Ore Mines and Chrome Ore Mines Labour Welfare (Cess), Act, 1976.
- 29.The Iron Ore Mines, Managanese ore Mines and Chrome ore mines labour welfare Fund Act, 1976.
- 30.The Inter-State Migrant workmen (Regulation of Employment and conditions of service) Act, 1979.
- 31.The cine workers welfare (Cess) Act, 1981.
- 32.The Cine workers welfare fund Act, 1981.
- 33.Dangerous Machinery (Regulation) Act, 1983.
- 34.The Dock workers (Safety, Health and Welfare) Act, 1986.
- 35.The Child labour (Prohibition and Regulation) Act, 1986.
- 36.The labour law (Exemption from Furnishing Returns and Maintaining Registers by certain Establishment) Act,1988
- 37.The Building and other construction workers (Regulation of Employment and condition of services) Act,1996
- 38.The building and other construction workers cess Act, 1996
- 39.Dock workers (Regulation of Employment) Act, 1997.
- 40.Private securing Agency (Regulation) act, 2005.
- 41.Unorganized workers social security Act, 2008.

**IMPLEMENTATION LACUNA OF LABOUR LEGISLATION:**

The Government's failure to implement labour welfare measures and safeguard workers' rights is one of the consequences of the failure of the left to sustain a politically conscious trade union movement. 'Job for All' and 'Right to Work' is still distant dream for workers. The International Labour Organization convention held on 'equal pay for equal work, for instance, which lays down that payments must be on time-rate and not on piece rate is grossly violated. The concept of equal pay for equal work can find firm roots only in the context of changes in the social system.

According to a recent report India has come in for considerable criticism from the International Labour Organization (ILO) for not implementing the organization's guidelines. India's dismal record is particularly galling in the face of the fact that it has been among the few countries which have ratified a large



number of International Labour Organizations conventions and is also a founder member of the organization and a permanent member of its governing board. This is a comment as much on the government's lethargic attitude to labour uses as on the failure of the labour, movement in the country to force the state to discharge its duties. The Government is lacking in interest in the implement of these laws.

#### SUGGESTIONS:

Some of the important suggestions are as follows:

- 1.The Governments should implement the labour laws effectively.
- 2.ILO conventions and recommendation should be implemented in spirit and letter.
- 3.The Government should constitute 'vigilance committees' at the district level to protect the interest of the labor all sections of society.
- 4.The Government should implement of minimum wages Act for unorganized workers and a halt to PSU disinvestment.
- 5.The authority should implement of social security measures to create employment opportunity to workers.
- 6.India should create good quality jobs in manufacturing and service sector and
- 7.Job for All and Right to Work policy should be implemented on priority basis.

#### CONCLUSION:

The evils of industrial dispute have led to the labour legislation. Now the State has a direct interest in the industrial peace and prosperity. These acts are aimed at reduction of production losses due to industrial disputes and to ensure timely payment of wages and other minimum amenities for the workers. Labour policy in India has been evolving in response to specific needs of the situation to suit requirements of planned economic development and social justice. When labour relations get legalized, they are beneficial to those who can develop institutional skills to use them to their advantage. Legalized framework promotes bureaucratization, and thus enables the government to prevent labour to unite and struggle for industrial equity and democracy. Any programme of action for enhancing labour power needs to evolve a better enforcement mechanism. Labour needs to be given representation in carving out such an enforcement mechanism. There is a need for constant monitoring for the implementation mechanism by rights groups at national and international level. In the globalization euphoria unionism and collective bargaining is as valuable as the welfare state and welfare economics themselves are in a deep crises. There is a need for simplification of labour laws. Most of the labour Acts passed by the Government for the welfare of the workers related to the workers in organized sector while, very few Acts were beneficial to the unorganized workforce. In this regard Dr.B R Ambedkar said that “the labour class is oppressed from all sides by imperialism, capitalism, landlordism and also by middle-class businessman. The Indian nation cannot be truly independent unless the labour class is freed from this pathetic situation”.

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