

A collection of information on Constitutional Framework of Labour laws in India

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Indian Constitution is the supreme law of a nation and all legislations draw their inspiration from it.

The Preamble to our Constitution serves two purposes.

- ❶ It indicates the source from which it derives its authority
- ❷ It starts the objectives which it seeks to establish and promote

The preamble states to secure to all its citizens:

- △ Justice, Social, Economic and Political
- △ Liberty of thought, expression, belief, faith and worship
- △ Equality of status and of opportunity
- △ Fraternity, assuring the dignity of the individual and unity and integrity of nation

These principles enshrined in Preamble of our constitution provide the bedrock for framing all labour and social legislation and their progressive and creative interpretation in favour of working classes.

Part III (Article 14 to 35) deal with Fundamental Rights. They can be grouped together under as

- (1) The Right to Equality (Article 14 to 18)
- (2) The Right to Freedom (Article 19 to 22)
- (3) The Right against Exploitation (Article 23 to 24)
- (4) The Right to Freedom of Religion (Article 25 to 30)
- (5) Cultural and Educational Rights (Articles 29, 30)
- (6) The Right to Constitutional Remedies (Articles 32 to 35)

The object of Labour Legislation, therefore, is twofold namely:

- ▶▶ To improve the service conditions of industrial labour so as to provide for them the ordinary amenities of life.

- ▶▶ To bring about industrial peace this could in its turn accelerate productive activity of the country resulting in its prosperity.

Labour Legislation is necessary for the following reasons:

- ❶ The individual workers are economically weak. They cannot bargain with the employers for the protection of their rights and even for subsistence wages. As such legislation for protection of labour against long hours of work, unhygienic working conditions, low wages and exploitation is needed.
- ❷ The workers are exposed to certain risks in factories, mines and other establishments. As such in order to make provision for their health, safety and welfare, legislation is needed.
- ❸ In order to increase the bargaining power of labour, legislation is necessary to encourage the formation of trade unions.
- ❹ In order to avoid industrial disputes which lead to strikes and lockouts, labour legislation is needed.
- ❺ To protect children and women from taking to work under hazardous conditions and at odd hours and in hazardous, laws are necessary.

"Labour" is a subject in the "Concurrent List" under the Constitution of India where both the Central and State Governments are competent to enact legislations subject, however, to reservation of certain matters for the Central Government

| Union List (Central Government) | Concurrent List (Central as well as State Government) |
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| Entry No. 55 Regulation of labour and safety in mines and oil fields | Entry No. 22 Trade unions, industrial and labour disputes |
| Entry No. 61 Industrial disputes concerning Union employees | Entry No. 23 Social security and insurance, employment and unemployment |
| Entry No. 65 Union agencies and institutions for "vocational training" | Entry No. 24 Welfare of labour including conditions of work, provident funds, employers' invalidity and old-age pension and maternity benefits |

Following are the list of Legislations enacted and enforced by the respective government:

Labour laws enacted and enforced by Central Government

1. The Employees' State Insurance Act, 1948 (*Code on Social Security*)
2. The Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (*Code on Social Security*)
3. The Dock Workers (Safety, Health and Welfare) Act, 1986 (*The Occupational Safety, Health and Working Conditions Code*)
4. The Mines Act, 1952 (*The Occupational Safety, Health and Working Conditions Code*)

5. The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
6. The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
7. The Mica Mines Labour Welfare Fund Act, 1946
8. The Beedi Workers Welfare Cess Act, 1976 (*The Occupational Safety, Health and Working Conditions Code*)
9. The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10. The Cine Workers Welfare (Cess) Act, 1981 (*The Occupational Safety, Health and Working Conditions Code*)
11. The Beedi Workers Welfare Fund Act, 1976 (*The Occupational Safety, Health and Working Conditions Code*)
12. The Cine Workers Welfare Fund Act, 1981 (*The Occupational Safety, Health and Working Conditions Code*)

Labour laws enacted by Central and enforced by both the Central as well as the State Governments

13. The Child Labour (Prohibition and Regulation) Act, 1986
14. The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996. (*The Occupational Safety, Health and Working Conditions Code*)
15. The Contract Labour (Regulation and Abolition) Act, 1970. (*The Occupational Safety, Health and Working Conditions Code*)
16. The Equal Remuneration Act, 1976. (*Code on Wages*)
17. The Industrial Disputes Act, 1947. (*THE INDUSTRIAL RELATIONS CODE*)
18. The Industrial Employment (Standing Orders) Act, 1946. (*THE INDUSTRIAL RELATIONS CODE*)
19. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. (*The Occupational Safety, Health and Working Conditions Code*)
20. The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21. The Maternity Benefit Act, 1961 (*Code on Social Security*)
22. The Minimum Wages Act, 1948 (*Code on Wages*)
23. The Payment of Bonus Act, 1965 (*Code on Wages*)
24. The Payment of Gratuity Act, 1972 (*Code on Social Security*)
25. The Payment of Wages Act, 1936 (*Code on Wages*)
26. The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27. The Building and Other Construction Workers Cess Act, 1996 (*The Occupational Safety, Health and Working Conditions Code*)
28. The Apprentices Act, 1961

Labour laws enacted by Central Government and enforced by the State Governments

29. The Employers' Liability Act, 1938
30. The Factories Act, 1948 (*The Occupational Safety, Health and Working Conditions Code*)
31. The Motor Transport Workers Act, 1961 (*The Occupational Safety, Health and Working Conditions Code*)
32. The Personal Injuries (Compensation Insurance) Act, 1963
33. The Personal Injuries (Emergency Provisions) Act, 1962
34. The Plantation Labour Act, 1951 (*The Occupational Safety, Health and Working Conditions Code*)
35. The Sales Promotion Employees (Conditions of Service) Act, 1976 *The Occupational Safety, Health and Working Conditions Code*
36. The Trade Unions Act, 1926
37. The Weekly Holidays Act, 1942
38. The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (*The Occupational Safety, Health and Working Conditions Code*)
39. The Workmen's Compensation Act, 1923
40. The Employment Exchange (Comp. Notification of Vacancies) Act, 1959
41. The Children (Pledging of Labour) Act 1938
42. The Bonded Labour System (Abolition) Act, 1976
43. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (*The Occupational Safety, Health and Working Conditions Code*)
44. The Unorganized Workers' Social Security Act, 2008

Notwithstanding, there are as many labour legislations which are enacted by State government and enforced by them. Enforcing government will formulate Rules to facilitate implementation of these legislations. The provisions of the legislations are reviewed periodically by the implementing governments and appropriate amendments are done after any Judicial Interpretations by the Hon'ble Courts.

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