



GOVERNMENT OF INDIA
MINISTRY OF
PARLIAMENTARY AFFAIRS



PREAMBLE TO THE CONSTITUTION

PREAMBLE

WE, THE PEOPLE OF INDIA,
having solemnly resolved to constitute India
into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC
REPUBLIC and to secure to all its citizen:
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity
and integrity of the Nation;
IN OUR CONSTITUENT ASSEMBLY this 26th day of
November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION.

I have read the Preamble.

Date: 26 Nov, 2023

Anandan S
Name

26 November 2023

Happy Constitution Day 2023



On this Auspicious of - Indian Constitution Day - 26 November 2023 - READ PREAMBLE AND GET CERTIFICATE

Visit: <https://www.mpa.gov.in/constitution-day>

An advertisement for reading the Preamble of the Constitution of India. The background is a photograph of the Parliament Building in Chandigarh. In the top left corner is the Government of India logo and the text 'संसदीय कार्य मंत्रालय' and 'MINISTRY OF PARLIAMENTARY AFFAIRS'. In the top right corner is the 'NeVA Digital Legislatures' logo. In the center is a framed image of the Constitution of India cover. Below the frame, the text reads 'Read the Preamble and get your certificate.' with 'Preamble' in yellow. At the bottom center is a blue button with the text 'Click here'.

"Labour" related provisions under Constitution of India

Part 3 ("Fundamental Rights") and

Part 4 ("Directive Principles of State Policy")

FUNDAMENTAL RIGHTS

Right to Freedom

Article 19: Protection of certain rights regarding freedom of speech, etc

(1) All citizens shall have the right,

(c) to form associations or unions;

Right against Exploitation

Article 23: Prohibition of traffic in human beings and forced labour

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: Prohibition of employment of children in factories, etc

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.



NATIONAL
CONSTITUTION DAY
26th NOVEMBER

DIRECTIVE PRINCIPLES OF STATE POLICY

Article 39: Certain principles of policy to be followed by the State.-

The State shall, in particular, direct its policy towards securing-

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;**
- (b)**
- (c)**

- (d) that there is equal pay for equal work for both men and women;**

- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;**

- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.**

Article 41: Right to work, to education and to public assistance in certain cases

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.



NATIONAL
CONSTITUTION DAY
26th NOVEMBER

Article 42: Provision for just and humane conditions of work and maternity relief.-

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43: Living wage, etc., for workers.-

The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

Article 43-A: Participation of workers in management of industries.-

The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.

Article - 14: Equality before law.

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

“Even though the principle of ‘Equal pay for Equal work’ is not defined in the Constitution of India, it is a goal which is to be achieved through Article 14,16 and 39 (c) of the Constitution of India.

Randhir Singh vs Union of India, Hon’ble Supreme Court



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Select Judgments by Hon'ble Courts:



We are satisfied that the restriction imposed by the Bonus Act in compelling the employer to pay the statutory minimum bonus even in years where there has been a loss sustained by the management is reasonable or in public interest within the meaning of Articles 19(8) and 302

Hon'ble Supreme Court... *Jalan Trading Co. (P) Ltd. And Ors. vs D.M. Aney And Anr.*



In my opinion, employers and employed are equal partners, even if employees are not considered superior. But what we see today is the reverse. The reason is that the employers harness intelligence on their side. They have the superior advantage which concentration of capital brings with it, and they know how to make use of it..... Whilst capital in India is fairly organised, labour is strike in a more or less disorganised condition in spite of Unions and Federation. Therefore, it lacks the power that true combination gives.

Hence, my advice to the employers would be that should willingly regard workers as the real owners of the concerns which they fancy they have created.

Hon'ble Supreme Court... *Gujarat Steel Tubes Ltd vs Gujarat Steel Tubes Mazdoor Sabha*



all. In settling the disputes between the employers and the workmen, the function of the Tribunal is not confined to administration of justice in accordance with law. It can confer rights and privileges on either party which it considers reasonable and proper, though they may not be within the terms of any existing agreement. It has not merely to interpret or give effect to the contractual rights and obligations of the parties. It can create new rights and obligations between them which it considers essential for keeping industrial peace. An industrial dispute as has been said on many occasions is nothing but a trial of strength between the employers on the one hand and the workmen's organization on the other and the Industrial Tribunal has got to arrive at some equitable arrangement for averting strikes and lock-outs which impede production of goods and the industrial development of the country. The Tribunal is not bound by the rigid rules of law. The process it employs is rather an extended form of the process of collective bargaining and is more akin to administrative than to judicial function.

Hon'ble Supreme Court... *The Bharat Bank Ltd. Vs. Employees of Bharat Bank Ltd.*

Constitutional Validity of Shop Establishments: Punjab -Enactment to Provide for regulation of hours of work – Leisure time (breaks), 48 hours a week – PROVISIONS ARE VALID, Hon'ble SC observed



Hon'ble Supreme Court... Ramdhandas And Another vs The State Of Punjab

"The ratio of the legislation is social interest in the health of the worker who forms an essential part of the community and in whose welfare, therefore, the community is vitally interested. It is in the light of this purpose that the provisions of the Act have to be scrutinized..... The learned Judges of the High Court have rested their decision on this part of the case on the reasoning that the terms of the impugned section might be justified on the ground that it is designed in the interest of the owner of the shop or establishment himself and that his health and welfare is a matter of interest not only to himself but to the general public..A restriction imposed, with a view to secure this purpose would, in our opinion, be clearly saved by Art. 19(6)... Apart from this, the constitutionality of the impugned provision might be sustained on another ground also, viz., with a view to avoid evasion of provisions specifically designed for the protection of workmen employed. It may be pointed out that acts innocent in themselves may be prohibited and the restrictions in that regard would (1) [1961] 2 S.C.R. 343.

How Hon'ble Courts have gone beyond Constitution?

1. Vishaka vs. State of Rajasthan SC 1997..... recommended steps for prevention of sexual harassment to working women and directed establishments to follow certain ground rules.
2. In Air India Case SC 1997 recommended the absorption of contract labour with the permanent establishment.



10

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- ✓ Bystander Intervenorers

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Do you see any woman
employee (even 1) like
this...@ your workplace...
Then....

Undeniably
you need our
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- ... Internal Committee (IC)
members Competency
Development program
- ... Case Studies
- ... Case Citations
- ... and more

For

- IC Members
- HR Professionals
- Management Professionals
- POSH Trainers
- HR Students

HR Vidyalaya Corporate Services LLP

Date : 8th December 2023 (Friday) 9 am ~ 5.30 pm

Venue : ANNA CENTENARY LIBRARY,
KOTTURPURAM, Chennai

For further details and Registration

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Great Opportunity for the

**INTERNAL COMMITTEE MEMBERS of POSH to get to
Competency level Enhanced.....**

POSH சட்டத்தின் 10 ஆண்டு நினைவாக
எந்தவொரு நிறுவனத்திலும்
ப்ளூ காலர் (உடல் உழைப்பு)
தொழிலாளர்களுக்கான
இலவச விழிப்புணர்வு அமர்வு
தமிழில் மட்டுமே... 1 மணி நேர நிகழ்ச்சி

எங்கள் சேவையை விரும்பும் சென்னை மற்றும் அதைச்
சுற்றியுள்ள எந்த நிறுவனமும் தொடர்பு கொள்ளலாம்
(1 நிறுவனம் - 1 பயிற்சி மட்டுமே) குறைந்தபட்சம் 50
தொழிலாளர்கள் (ப்ளூ காலர்) பங்கேற்க வேண்டும்

பிக் அப் மற்றும் டிராப் (பயிற்சியாளருக்கான வசதி)
நிறுவனத்தால் ஏற்பாடு செய்யப்பட வேண்டும்

POSH
Awareness
Program

ஆனந்தன் சுப்பிரமணியம்
hr.vidyalaya@gmail.com

Monday to Friday;
Any days between
December 11 to 29

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