

## ROLE OF INDIAN CONSTITUTION FRAMEWORK ON LABOUR PROTECTION AND WELFARE

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### **ABSTRACT**

It is said that workers and employees are the two pillars of any countries national economy. The relationship between them is quite an essential one as they have their role in the production of any goods which builds the national economy of the country. There should be proper regulation of the employer-employee relationship as it is required for the overall development of society. Therefore it is of great importance that the social and economic upliftment of the labour are important for securing industrial peace, which increases the national productivity. The principle of labour legislation and industrial jurisprudence is based on certain fundamental principles, such as social justice, social equity, international uniformity, and national economy. The most essential one of them is social justice as it is given in Art.14 of the constitution which states about equality before the law. If the principle of this Art.14 is implied on labour legislation which has been implemented in our country then the social justice concept would imply two things, the first one would be that there should be equitable distribution of profits and other benefits accruing from the industry and secondly, there should be a protection of workers against any harmful effects relating to their health, and safety. The fundamental rights and the directive principles of state policy in our constitution have been dealt with special mention because of their supreme importance in directing and influencing the labour legislation in our country. Article.23 and 24 of our constitution provides sufficient guarantee against exploitation. Both Articles of the constitution are prohibiting any type of forced labour and the employment of a child in any hazardous factories. During the framing of the constitution in many parts of the countries, the labourers were exploited and even the child was forced to work in the industries which the constitutional makers thought of prohibiting these types of activities. Art.39 of the constitution lays down certain principle which the states are required to follow while making any policies.

**Keywords:** Industrial Jurisprudence, Factories Act, 1883, Trade Dispute Act, 1929, International Labour Organization

**INTRODUCTION: EVOLUTION OF LABOUR LAW IN INDIA**

The evolution of labour legislation in our country started before independence. The labour legislation came into existence in the British era. It is quite clear that most of our labour legislation is enacted before India's independence. Labour law is also known as industrial law as it is for the workers working in the different industries. It would not be wrong to say that our current labour law legislations are an event of British Colonialism. Pre-independence labour law legislations were implemented to protect British employees. The best example of this would be the implementation of the Factories act. Everyone knows that the Indian textiles industry use to offer stiff competition with that of the British textile in the export market during the 1880s. So the British imposed a law called the Factories Act, 1883.

When we see the post-independence enactment of labour laws in our country it has focused on legislation which is in the area of employee security and welfare derive. This welfare and security legislation for labours originated partly from greats leaders and our Indian constitution. An International convention like the International labour organization has played an important role in the evolution of labour laws in our country. Our labour legislation has been enacted by keeping in mind the International Standards on Human Rights and United Nations protocols.

Many changes were made after independence in the field of labour legislation. It can be said that the whole labour system was changed after independence. There was a strict stipulation of eight hours of work a day was implemented. Abolition of child labour, restrictions were imposed on women not to work at night in the industries, and there was a drastic change in the payment of wages to the workers also. The Trade Dispute Act, 1929 was implemented to regulate the relationship between employer and employee. While the impact of these measures was clearly for welfare but they were protectionist.

Post-independence, India made various changes in the Acts that was formed by the British government. New laws and amendments were added to the Indian Constitution. A tripartite conference was held in December 1947. Members of the tripartite were Employees, Employers and members of the trade unions. In this tripartite meeting, it was agreed that employees would be given fair wages and fair working conditions and in return, the employer may receive the fullest co-operation of Labour for uninterrupted production and higher productivity as part of the strategy for national economic development.

Earlier Indian labour law was not very much eventful but there was important progress made in labour legislation in the immediate post-World War One period, specifically to the influence of several International Labour Organisation (ILO) conventions and the Royal Commission on Labour in the 1920s as major advances.<sup>1</sup>

### **DIFFERENT PRINCIPLES OF LABOUR LEGISLATION CONCERNING INDUSTRIAL JURISPRUDENCE**

Labour legislation and industrial jurisprudence depend upon certain fundamental principles like:

- Social Justice
- Social Equity
- International Uniformity
- National Economy

The concept of social justice has become an **integral** part of industrial law. Social justice in an industry implies two things: firstly it implies that there should be equitable distribution of profits and other benefits accruing from the industry between the owner of the industry and the workers, and secondly, it should provide or afford protection of the workers against any harmful effects to their health, safety, and morality.

Indian constitution has also affirmed social and economical justice to all the citizens of this country. The fundamental right and directive principles of state policy in our constitution require a special mention for their supreme importance in directing and influencing the labour legislation in the country. Article 23 and 24 of the constitution guarantees the right against exploitation.

Under the social justice concept Article 24 of the constitution requires special mention because it provides that:

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment.

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<sup>1</sup> Amjad, *Labour Legislation and Trade Unions in India and Pakistan*, Oxford University Press, Oxford, 2001, at p. 36

Like Article 24 of the constitution Article 38 also lays down the provision regarding the welfare of the people and protection of the people, which all are nothing but social justice. Though directive principles of state policy are not enforceable in a court of law and they do not confer any rights, but still they provide guidance to the states for better governance of the country.

The concept of social security is new and has become an integral part of social justice. It is based on ideals of human dignity and social justice. It means a guarantee provided by the state against certain risks to which the member of the society may be exposed. Social security is significant because it constitutes an important step towards the goal for a welfare state and they enable the workers to become more efficient and thus reduce wastage arising from the industrial dispute.

According to V. V. Giri, “social security measures are not a burden but a wise investment which yields good dividends”.<sup>2</sup> The term social security has been originated in the United State and has been spread all over the world. One of the most comprehensive interpretations of social security has been done in Labour Government’s Social Security Act, 1938 in New eland.

Social security has been adopted in our country as much legislation has been implemented by the government. Like the implementation of “The Workmen’s Compensation Act” 1923, which provides for cheaper and quicker disposal of disputes relating to compensation through special tribunals than possible under civil laws. The next one is “The Payment of Wages Act” 1936, which provides for payment of wages in current coins or currency notes.

In *Arvind Mills Ltd v. Gadgil*,<sup>3</sup> the court clarified the general purpose behind the implementation of this act as it provides that employed person shall be paid wages in a particular form and a regular interval and without any unauthorised deductions.

The concept of social equity is a principle upon which labour legislation is based upon. Any legislation which is based upon social justice prescribes a definite standard for adoption for the future, taking into consideration the events and circumstances of the past and the present.

The concept of international uniformity is the principle on which labour laws are based. The most important role in this context is played by the International Labour Organization which

<sup>2</sup> V. V. Giri, “*Labour Problems in Indian Industry*”, Pg.248

<sup>3</sup> AIR 1941 Bombay 26

was founded in 1919 soon after the First World War. It has provided number of conventions, and recommendations covering unemployment, general condition of employment, wages, working hours, weekly rest period, social security, health safety, women safety, industrial relation, and many more subjects.

The concept of the national economy in enacting labour legislation is of great importance. As the state of the national economy is an important factor in influencing labour legislation in the country.

### **PURPOSE OF THE LABOUR LAW & THE IMPACT OF THE REFORMS MADE BY THE GOVERNMENT**

There are always difficulties in interpreting the purpose and role of labour law systems in any given society. Labour law, more than many other areas of regulatory policy, may have more immediate and fundamental implications for social and economic stability and progress, and legal formality may not always fully express or capture the kinds of compromises which inevitably exist in relations between capital and labour, and the regulation of labour markets.

The labour laws in India are firmly based on Western values and concepts, much of it derived from International Labour Organisation standards. It has evolved from early penal provisions on labour, through to the extension of protective labour conditions of work, and the rights of labour to security in a broader social sense. Moreover, Indian labour law has recognised and legitimated trade unions and their activities and established procedures for the settlement of industrial disputes. While there may be problems in accurately categorising India according to the indicators used in the 'legal origins' labour law discourse, Indian labour law is Western in conception.

If we go through the first set of legislation that includes the important provisions of the Factories Act, 1948 the Contract Labour (Regulation and Abolition) Act, 1970. The core aim behind the implementation of the Factories Act is to ensure the health and safety of workers. It contains specific requirements for factories to be kept clean and sanitary, it regulates hours of work, overtime and annual leave, and provides for mandatory rest days. The Act also makes special provisions for women and children regarding their working conditions. One of the key characteristics of Indian labour law is the density of its regulation, and this is exemplified in the terms of the Factories Act

The Contract Labour (Regulation and Abolition) Act, as its title suggests, is designed both to prohibit the use of contract labour in certain industries and to regulate its use in others. Under the terms of the Act the appropriate government (Central or State), needs to follow a prescribed procedure set down in the legislation, may prohibit the employment of contract labour in industry. In the case of the Central government, the employment of such labour has been prohibited in certain categories of work in mines, on railways and port facilities among others. The Act otherwise regulates the conditions of work, including payment of wages, hours of work, overtime, leave and so on, in addition to providing various health and safety measures. The Act applies generally across the whole of India but is limited by size to establishments or contractors employing at least 20 contractors on any day over the previous 12 months. The provisions may also be extended to smaller establishments pursuant to a procedure set down in the legislation

The landmark legislation for child labour was a further important piece of legislation which is the Child Labour (Prohibition and Regulation) Act 1986, which abolishes child labour in particular operations and strictly regulates the working conditions where child labour is permitted, and the Bonded Labour System (Abolition) Act 1976 which attempts both to eliminate and rehabilitate bonded labour through strong enforcement mechanisms.

These legislations have made a great impact on the labour class peoples. Prohibition of child labour has made an impact that employment of children below the age of 14 has been made as an offence as per the Indian laws. Right against exploitation has been provided as a fundamental right under our constitution which specifies that no child below the age of 14 can be employed in any industry or a hazardous factory.

### **CONSTITUTIONAL PROTECTION ON LABOUR LAWS**

Hon'ble Justice P. N. Bhagwati had rightly remarked that "the time has now come when the courts must become the courts for the poor and struggling masses of this country. There must be sensitised to the need of doing justice to the large masses of people whom justice has been denied by a cruel and heartless society for generations. It is through public interest litigation

that the problem of the poor are now coming to the forefront and the entire theatre of law is changing. It holds out great possibilities for the future.”<sup>4</sup>

The same can be seen in Indian constitution where the provision regarding poor classes is there. The workers and employers are said to be two pillars of our national economy. It would not be wrong to say that labour plays a vital role in increasing productivity, and management has to create conditions in which workers can make their maximum contribution towards this objective. The constitution protects labourers from any type of exploitation or harassment.

Article 14 of the constitution states that equals should be treated equally and unequal should be treated equally. The same principle is applied in cases of labour legislation where ‘Haves’ and Have not’s are differentiated. Our constitution preamble itself states that economic prosperity should be there. The economic disparity leads to a struggle between ‘Haves’ and ‘Have not’ as the latter tries to protest and the former attempts to suppress and keep them exploited. This has been safeguarded by Indian constitution where the right against exploitation has been incorporated as a fundamental right.

Article 23 of the constitution prohibits the trafficking of human beings, beggars and all other forms of forced labour. In the light of this provision The Bonded Labour System (Abolition) Act, 1976 was implemented by the government.

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### **ROLE OF FUNDAMENTAL RIGHT AND DPSP IN PROTECTING LABOURS**

Both the Fundamental Rights and Directive Principles of State Policy play a crucial role in protecting the labour class people. Article 23 of the constitution prohibits the trafficking of human beings and forced labour and Article 24 guarantees prohibition of employment of children in factories. Both of these articles are fundamental rights, but they were laid dormant for almost thirty years after the constitution came into force and there was hardly any significant judicial pronouncement concerning these constitutional provisions. But since 1982 these articles have assumed great significance and have become a potent instrument in the hands of the courts as they are stopping the exploitation of the labour class and the poor in our country.

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<sup>4</sup> *People’s Union For Democratic Rights & others v. Union Of India*, AIR 1982 SC 1646

If we see Article 23(1), traffic in human beings, begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be treated as an offence and it would be punishable under the law. These are prohibited because they are termed unsocial practices. The significant feature of Article 23 and 24 of the constitution are that it does not only protect the individual from the state but also the private individual. This is the most significant reason as to how the fundamental right protects the labour class and poor people in our country.

The term Begar which is prohibited means compulsory work without any payment. Begar is labour or service which a person is forced to give without receiving any remuneration for it.<sup>5</sup> Begar was a great evil and therefore was abolished through Article 23(1). The other important prohibition was regarding the forced labour. The word 'other similar forced labour' contemplated in Article 23(1) is like either traffic in human beings or begar. The Supreme Court had given an expansive significance to the term "Forced Labour" in a series of cases starting from the *Asiad Case* in 1982.<sup>6</sup> Courts all over the country in many cases from then onwards has insisted and intended to abolish forced labour even if it has origin in a contract. Forced labour has been prohibited and an act has been enacted on this because it is violation of human dignity and is contrary to basic human values.

Article 24 of the constitution puts prohibition of employment of children in factories, etc:

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

Child labour was prohibited because it was considered a gross violation of the spirit and provision of the constitution. It was even argued that a total ban on child labour may not be the socially feasible environment for the country. Therefore Article 24 puts a partial restriction on the employment of child labour. These all prohibitions protect the labour class from getting exploited. India has not ratified two major conventions on child labour, The Minimum Age Convention, 1973<sup>7</sup> and the worst forms of child labour convention, 1999.<sup>8</sup> Later certain acts were enacted such as the Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children only in certain occupations and in workshops carrying out certain processes.

<sup>5</sup> *Vasudevan v. Mittal*, AIR 1962 Bom 53

<sup>6</sup> *Devandre Nath Gupta v. State of Madhya Pradesh*, AIR 1983 MP 172

<sup>7</sup> ILO Convention No 138

<sup>8</sup> ILO Convention No 182



In *Laxmi Kant v. Union of India*<sup>9</sup>, the Supreme Court while interpreting Article 24 with Clause (e) and (f) of Article 39 of the constitution has emphasized the great importance of child welfare in the country. Accordingly, the court has taken the opportunity to lay down guidelines for the adoption of Indian children by foreign parents as there was no statutory enactment for the purpose.

This decision played a significant role as the large number of children is adopted by foreign parents and there were complaints that these children are maltreated in a foreign land after they were adopted. The court stated that the constitutional provision reflects the great anxiety of the constitution-makers to protect and safeguard the interest and welfare of the children in the country. Accordingly, the court has taken the opportunity to lay down guidelines for the adoption of children by foreigners. In this decision the welfare measure for children was laid down by our apex court as the primary purpose of giving the child in adoption must be for the benefit and welfare of the child and therefore great care should be exercised in permitting the child to be given in adoption.

These are the role played by fundamental rights in protecting the labour class and children from getting exploited in our society.

The Directive Principles of State Policy are guidelines to the central and state government which are to be kept in mind while framing laws and policies. They are enumerated in Part 4 of the constitution. They are the instruments of instruction in the governance of the country. Directive Principles of State Policy plays an important role in protecting labour class peoples. Though Directive Principles are not enforceable and are not justifiable as the fundamental rights are enforceable but the Directive Principles of State Policy plays a vital role when the state is framing any law for the betterment of the society. It is by enacting directive principles of state policy in the constitution that the state endeavours create a welfare state.

Article 38 of the constitution lays down the provision that the state has to secure a social order for the promotion of the welfare of the peoples:

1. The state shall 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 the institutions of the national life.

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<sup>9</sup> AIR 1984 SC 469

2. The state shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities, and opportunities, not only amongst individuals but also amongst group of people residing in different areas or engaged in different vocations.

Clause (2) of Article 38 states that the state should eliminate inequalities in opportunities. In case of casual workers who were rendering service similar to regular employees in Government Company for a decade on a daily wage basis for almost 10 years continuously discharging duties which are similar to those of regular employees of the company then the company should frame a scheme for absorption of casual labour as regular employees.

Article 42 of the constitution provides the provision for just and human conditions of work and maternity relief. Article 42 and 43 of the constitution expresses a deep concern for the welfare of the workers. This is a welfare provision as it talks about the just and human condition for work and maternity relief. The Maternity Relief Act, 1961 has been enacted for the welfare of woman workers.

Article 43 of the constitution lays down a provision regarding Living wages for workers. The article states that the state shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, condition of work ensuring a decent standard of living 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 shows that the constitution-makers felt a deep concern for the welfare of the workers. This provision also shows that the employees are entitled as of right to certain relief.

The living wage enables the male earner to provide for himself and his family not merely the bare essential of food, clothing, shelter, but a measure of comfort including education for children, protection against ill-health, the requirement of essential social needs, and a measure of insurance against the more important misfortune including the old age.

The Minimum wage concept is followed in India for the welfare of the workers. The Minimum wage is to be fixed in an industry irrespective of its capacity to pay. Fixation of minimum wage is in the public interest and does not impose an unreasonable restriction on the right to carry out any trade as provided by Article 19(1) (g) of the constitution.

Besides living wage and minimum fair, there is another type of wage which government can provide to the working-class people, it is Fair wages. Fair wages means between living wage and minimum wage. Living and fair wages have to be fixed keeping in view the capacity of the industry to pay. The Supreme court has stated that while our political aim is living wage for workers in actual practice, this idea has eluded so far and that our general wage structure has at best reached the lower level of 'Fair wage'.<sup>10</sup>

Fixing of minimum wage under the 'Minimum Wages Act' has been characterised as just the first step in the direction of fulfilling the welfare condition mandate of Article 43. The mandate of this provision is to make a welfare society for the labour class and poor people.

Indian constitution Preamble plays important role in achieving the goal of a welfare state. As the word 'Socialist' depicted in our preamble which was inserted into the preamble by the 44<sup>th</sup> amendment to the constitution means to provide social and economic equality. Social equality means that there should be the absence of discrimination on the grounds only of caste, colour, creed, sex, religion, or language. Social equality means that everyone has equal status and opportunities.

On the other hand economic equality means that the state will endeavour to make the distribution of wealth more equitable and provide a decent standard of living for all. This in effect emphasizes a commitment towards the formation of the welfare state. Our country has adopted a socialistic and mixed economy and the state has framed many laws to achieve the aim.

These are all the welfare measures provided under our constitution which the state strives to achieve them by making suitable legislations and policies and it can be said that these are the role played by fundamental right and directive principles of state policies in protecting labour class from getting exploited and the common needs which they require to survive.

### **ROLE OF ARTICLE 39 OF THE CONSTITUTION WHILE FRAMING ANY WELFARE POLICY FOR THE LABOURERS**

Article 39 of the constitution is the most important provision regarding the welfare of the labour class people. Article 39 states the certain principles of policy to be followed by the

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<sup>10</sup> *All India Reserve Bank Employees v. Reserve Bank*, AIR 1996 SC 305, 317

state. There are a total of six principles provided under Article 39 which needs to be followed by the states while framing any policy.

Article 39(a) a directive principle which the state needed to take into consideration while framing any policy but our Supreme court in *Olga Tellis v. Bombay Municipal Corp*<sup>11</sup>, had taken the recourse of Article 39(a) to interpret Article 21 of the constitution to include the “Right to Livelihood” as a fundamental right. This shows that many welfare measures which were provided in the directive principles and were not enforceable were inserted in the fundamental right as rights and were made enforceable. The court has stated that the state is under an obligation to secure to the citizens an adequate means of livelihood and the right to work.

The enactment of the National Rural Employment Guarantee Act, 2005 was to give employment to at least one member of a family for hundred days in a year on paying wages as fixed under the act.

Article 39 (d) states that there should be equal pay for equal work for both men and women. This clause is of great importance as it strives to achieve the goal of Equality which is provided as a fundamental right under Article 14 of the constitution. By payment of equal wages for equal work to the men and the women, the state will strive to stop the workers from getting exploited. Our parliament has enacted the Equal Remuneration Act, 1976 to implement Article 39(d). This act provides for payment of equal remuneration to men and women workers for the same work or work of a similar nature and prevention of discrimination on grounds of sex. Article 39(d) provides the principle of gender equality.

Supreme Court has embodied in Article 39(d) the general principle of equal pay for equal work by relating it with Articles 14, and 16 of the constitution. This has not been declared as a fundamental right but because of directive principles of state policy as contained in Article 39(d) it has assumed the status of a fundamental right. This principle is applied in cases where unequal scales of pay is there which is based on irrational classification though those drawing different scales of pay do identical work under the same employer.

Article 39(e) of the constitution states 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.

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<sup>11</sup> AIR 1986 SC 180

These are all the welfare measures that the state needs to look upon while framing any type of policies for the labour class or poor people in our country.

### **LANDMARK CASES**

People's Union for Democratic Rights v. Union of India<sup>12</sup>, otherwise known as the Asiad case:

The fact of the case:

Several working-class people from all over the country were called upon by the government so that they can render certain services to the government. These workers were paid very less amount for the service they used as render. The amount paid to them was much below the minimum wage which was fixed by the government.

This was challenged before the court in the form of Public Interest Litigation as it was violative of Article 23 of the constitution as payment of such a low amount would amount to forced labour.

This was the first case in which the Supreme Court gave an expansive significance to the term 'Forced Labour' used in Article 23(1). It was argued in this case that Article 23 should be interpreted as prohibiting not every form of forced labour but only such forms which were similar to begar.

The court rejected this narrow view argument for Article 23 and Justice Bhagwati stated that:

"It is difficult to imagine that the constitution makers should have intended to strike only at a certain form of forced labour leaving it open to the socially or economically powerful sections of the community to exploit the poor and weaker sections by restoring the other forms of forced labour".

And therefore the court insisted that every form of forced labour is within the preview of Article 23 and it makes no difference whether the person who is forced to work is remunerated or not. Though the person is paid for the service he renders it would amount to

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<sup>12</sup> AIR 1982 SC 1473

be forced labour and would be hit by Article 23 of the constitution if the labour supplied was not willingly performing his service.

The court even stated that even payment of wages less than the minimum wages would be regarded as forced labour. The court gave an expansive interpretation to Article 23 in this case. Supreme court stated that “The word ‘force’ used must be construed not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though remuneration received for it is less than the minimum wage”.

The court has therefore declared in the *Asiad* case that:

‘Where a person provides labour or services to another for remuneration which is less than the minimum wage, the labour or service provided by him falls within the scope and ambit of the word ‘Forced labour’ under Article 23 of the constitution”.

*Bandhu Mukti Morcha v. Union of India*<sup>13</sup>:

The fact of the case:

A large number of labourers were working in stone quarries in the State of Haryana under the inhuman and pathetic conditions as there was no medical aid, no safety rules were observed and they lived in sketchy torn huts without any roofs. It was due to negligence on part of the state government as they failed to enforce the relevant laws.

In this case, an action was brought in the Supreme Court by an NGO as they filed a Public Interest Litigation. This organization was dedicated to the cause of the release of bonded labourers. Many labour welfare legislation was violative and were raised before the court. The Bonded Labour (Abolition) Act and the Minimum Wages Act were breached in this case.

The court has characterized the system of bonded labour as where the person is bonded to provide labour to another for years and years until an alleged debt is supposed to be wiped out which never seems to happen during the lifetime of the bonded labourer as it constituted in gross and reviving violation of constitutional values.

The court ordered for the release of these people from bondage. The court also emphasized the importance of rehabilitation of the released bonded labourers. The court directed the state

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<sup>13</sup> AIR 1984 SC 802: (1984) 3 SCC 161

government to draw up a scheme or programme for better and more meaningful rehabilitation of the freed labourers.

M. C. Mehta v. State of Tamil Nadu<sup>14</sup>:

The fact of the case:

Children were working in Sivakasi match industries in the state of Tamil Nadu. This was challenged before the court in the form of PIL as it is against the constitutional provision.

The court in the case had issued detailed directions to eradicate child labour from the country. The court stated that there should be an end to the practise of employing children below the age of 14 years in hazardous industries. The court gave the direction that the employers should comply with the provision of the Child Labour (Protection and Regulation) Act.

Supreme Court emphasized that abolition of child labour is a matter of great public concern and significance. Court directed that there should be a setup of child labour rehabilitation welfare fund in which offending employer should deposit Rs. 20,000. The Supreme Court even directed that the adult members of such child should be given employment in the place of the child. Child labour should be provided with education, health, and nutrition facilities.

### **SUGGESTION & CONCLUSION**

The first suggestion would be that instead of having too many labour laws, can't it be rationalized in 5-6 groups. There are so many definitions in the labour laws and all the definition is different for different laws. The definition should be one and it should be applied to all the laws uniformly. Codification of labour law is required.

There is no Act for protecting the collective bargaining by workers and strikes have been declared illegal by the Courts. Sometimes conciliation is not the proper way to redress the grievances and provision of strike (Right to strike) should be incorporated in labour laws, though it may be the last resort. There should be a provision that if 2/3rd or 3/4th (or any such number as may be decided) of workers decide to go on strike, it cannot be declared illegal.

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<sup>14</sup> AIR (1996) 6 SCC 756

The exploitation of migrant labours is most in number in our country as they are not even paid minimum wages and they need to be protected. There should be a law for migrant's labour.

There are many questions raised and many a time constitutional validity of the Minimum Wages Act has been challenged before the court, there is a need for the fixation of minimum wage for simplicity and to avoid any type of disputes.

The most important drawback of our system is that though India have a number of legislations, the enforcement machinery is inadequate for implementing labour laws which require to be strengthened.

The recommendation which was given by the Second Labour Commission for clubbing of 18 laws into a single law to be applicable for small industries as Small Industries Regulation Act (SIRA) should be implemented.

There is a need to evolve a National Social Security Policy for the unorganized sector and formulate a detailed action plan to cover as many segments of the unorganized workforce as possible under some form of social security with the ultimate goal of covering all unorganized workers in the long run. All the other welfare cess laws and the welfare funds act should be clubbed into one act.

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