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Law of Labour Welfare in India

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Abstract: *India's labour policy is mainly based on labour welfare measures and legislations. The labour legislations of India after independence derive their derivation, stimulation and strength mainly from the thought articulated by key national leaders throughout the period of struggle for independence, partially from the discussion of the meetings, partially from the provisions of the Indian constitution and the international labour resolutions and endorsements. The Labour legislations and reforms policy did not get affected significantly from human rights, conventions and principles being developed over the years. These fundamental rights include right to work of one's choice, right against discrimination, prohibition of child labour, humane conditions of work, social security, reasonable wages, and redress of grievances, right to organize and form trade unions, collective bargaining and participation in management.*

I. INTRODUCTION

Labour welfare has not been defined properly especially in Indian context never been taken to another level, it has been always been limited to welfare legislation. At present, there are over 150 state and central laws in India which govern various aspects of labour welfare. [1]

Under the Constitution of India, labour is a subject in the concurrent list where both the Central and State Governments have right to enact legislations and that resultant in to number of labour laws have been enacted catering to different aspects of labour namely, occupational health, safety, employment, training of apprentices, fixation, review and revision of minimum wages, mode of payment of wages, payment of compensation to workmen on injuries or death or disablement, bonded labour, contract labour, women labour & child labour, resolution & 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 for workers.[2]

Indian labour welfare measures are now being more co-operative role and are less numbers of protests. The strong implementation of labour welfare measures with political support worker gets opportunities to develop them and open various kinds of employment opportunities.

II. LABOUR WELFARE MEASURES IN INDIA

The objective and content of welfare measures is mainly humanitarian, economic and civic. With the beginning of the era of industrial development there were section of society such as social workers, philanthropist, political and religious leaders used to be vocal for workers right and welfare. Since there was no labour welfare law in force, therefore it led to exploitation and eventual miserable working condition for worker. Labour being exploited in the industrial establishments, forced Government intervention as labour welfare measures to improve the condition of workers throughout the world.

The concept of labour welfare is centuries old its origin is in year 1837 when, there was elimination of slavery by an Act in 1833. The Apprentices Act of 1850 was the first step as legislation passed in this direction. This Act was later on followed by labour friendly Act such as Fatal Accident Act, 1853 and The Merchant Shipping Act on 1859. The Factories Act, 1881 is another significant attempt to improve the working conditions of Indian worker. The Factories Act, 1881 applied to factories having not less than 100 workers working more than 4 months during a year. Later on, a more relevant and comprehensive Act formulated namely, The Indian Factories Act, 1911 was passed. This Act was also applicable for labour working in seasonal factories for less than four months in a year. Factories Act, 1948, Plantation Labour Act, 1951 and Mines Act, 1952 were first of few legislation with significant welfare provisions for the workers. Welfare funds for coal, iron ore, manganese, mica, limestone and dolomite mine workers have been established under the Coal Mines Labour Welfare Fund Act of 1947, the Iron Ore Mines Labour Welfare Cess Act of 1961, manganese mines in 1978 extended to the Mica Mines Labour Welfare Fund Act of 1946, and Limestone And Dolomite Labour Welfare Act of 1972. Similarly various provisions have been enacted for plantation workers in Assam under the Assam Tea Plantation Employees' Welfare Fund Act, 1959, for labour in sugar industries by the U.P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950 and for *bedi* industry workers through the *Bedi* Workers Welfare

Fund Act, 1976. Consequently, the Second World War brought about comprehensive results in the field of labour welfare. A number of welfare measures and legislation for the labour were enacted. It is also essential to mention here that provisions for the welfare for labourers also exist in the legislation such as Merchant Shipping Act (1958), Indian Dock Labourers Act (1934), Beedi and Cigar Workers Act (1966), the Motor Transport Workers Act (1961), and Contract Labour Act (1970). In addition to these welfare measures many other welfare legislations were enacted by the both Central Government and various State Governments.

It is also important to acknowledge that the establishment of the International Labour Organization (ILO) in 1919 was another significant milestone in the history of labour welfare movement in the world and India. All these factors led to the commencement of an era of labour welfare and legislations. Due to Industrial instability, the Government of India (GoI) enacted the Indian Factories (Amendment) Act, 1922 which was applicable to all establishments.

III. CONCEPT OF LABOUR WELFARE

“Labour Welfare” is a broad concept referring to a state of living of an individual or a group as workman within and outside of premises of factory, in an acceptable interaction with the total environment-ecological, economic and social harmony.[3]The way labour welfare has been defined and executed by the nations in the world, it eludes a precise application to all countries. It varies from one country to country, with regions and times. 'Labour Welfare' is an all-inclusive term and constitute of the factors such as physical, mental, moral and emotional wellbeing of an individual worker. Moreover, it is a relative and dynamic concept, as already mentioned varies from time to time, from state to state and from nation to nation.[4]It can be said that labour welfare denote to all those activities of governmental authorities, employers, voluntary organizations and trade unions which help labour live up and to be more productive. It constitute of provisions for the improvement of safety, health, well-being and industrial productivity of the labour. [1]

The main objective of labour welfare measures is to enable and encourage workers to live a more satisfactory working life. The labour welfare services leads to better physical and mental health of workers. Labour welfare measures such as medical benefits, education, and housing and recreation cultural facilities for the worker and families helps to creation of content environment. Improvement in health, educational and enriching condition of life protects labour from social tribulations like drinking, abusing, gambling etc.[4]

Labour welfare measures serve to maintain peaceful atmosphere with the labour unions. Labour welfare activities also help to improve industrial relations and industrial peace. Companies all around the globe suffering from the problem of “employee’s turnover”, it can be reduced through provision of welfare facilities.[5]

IV. SOCIAL SECURITY MEASURES

Both Central and State Governments has also laws enacted and schemes established for providing social security and welfare of specific categories of worker.

The most significant social security laws enacted are the following:

The Workmen’s Compensation Act, 1923.

The Employees State Insurance Act, 1948.

The Employees Provident Funds and Miscellaneous Provisions Act, 1953.

The Maternity Benefit Act, 1961.

The Payment of Gratuity Act, 1972.

The development of labour welfare functionality and productivity with social security is one of the main objectives pertaining to policy of the state. The resources has been allocated to achieve the goal of labour welfare through the various five year plan towards skill and capacity development, assessment of working conditions, creation of industrial harmony, development of infrastructure, health insurance & services, accident and unemployment for the workers and dependent. The situation of surplus labour in market leads to ill social and industrial practices such as bonded labour, child labour and unfavourable working conditions.[6]

Workmen Compensation Act was amended in 1999 to benefit the workers and their families in the case of death/disability during the employment. The labour legislation enforcement machinery in the various States and at the Centre is working to revise with certain changes, revision in rules, regulations orders and notifications. The Equal Remuneration Act, 1976 was introduced with an aim of providing equal remuneration to working women.

V. LABOUR LAWS

Labour laws are drafted uniformly for all enterprises and some exemption is provided under the common laws for smaller establishments. There is need to draft one single labour legislation applicable to all establishments employing less than 20 persons. Such legislation will provide for safety and social security of workers. Business linkages between large and small enterprises should be fostered and be utilised voluntarily by the large enterprise to deliver social security benefits to labour in the small enterprises. The fact that labour laws are in the Concurrent List and are being implemented both by the Centre and the State Governments creates more complications. Various State Governments are demanding authorisation to carry out amendments in labour laws according to specific requirements. Since the State Governments are in the best position to enforce labour laws, in keeping with the prevailing socio-economic conditions in their states, the approach in the Tenth Plan would be to authorize them to amend labour laws as per their requirements. Out of about 400 million workers in the country, only around 50 to 60 million are covered by some form of social security. For the rest, a job is the best guarantee for social security right now. However, the labour market is moving in a direction that changeover of jobs by an individual will become more frequent, public sector which provides a comprehensive social security cover to its employees, is shrinking in size, the pension system for government employees is under review, and more workers are seeking work in rural and urban informal sector, as the ability of agriculture to absorb workers diminishes. In other words, the job related uncertainty would increase. Since any social security system stabilises over a period of 20 to 30 years, the efforts to be made in the Tenth Plan should have a long-term perspective. A legislative and administrative framework has to be created for significant coverage of the unorganised sector by social security cover. The strategy would be to motivate and encourage the State Governments to formulate and implement schemes and programmes targeted at certain occupational groups in the unorganised sector without putting any additional pressure on the budget.

VI. DIRECTIVE PRINCIPLES

The Directive Principles in the Indian Constitution are very important in governance of the country and it is the duty of every state to apply these principles of welfare in making laws. Article 39A provides that State shall secure the operation of the legal system to promote justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Labour Welfare concept is basically based on human values where each citizen has a right to work in a congenial environment with no hazards to his health on reasonable wages and other terms and conditions of employment. The days are over when labour was considered to be a commodity. The policy was of hire and fire and it was purely a master servant relationship. The country's independence, our constitutional structure, the advice of the International Labour Organization, the efforts of the Planning Commission- all these factors have greatly contributed to labour welfare.

VII. CONCLUSION

Labour welfare work may conveniently be considered a joint responsibility of the employers, the state and the trade union. They should all work in harmony to raise the standard of living of the workers. The problem of workers' welfare is of such a great magnitude that no one single agency alone can tackle it successfully. On the whole, however, the state should take the responsibility of seeing that the lot of the workers is taken care of. In most of the civilized countries of the world, the Government has become aware of the importance of welfare work and big schemes of labour welfare have been adopted by them. In India, a beginning was made in this direction since long time back but still there is a great scope for improving and extending the welfare activities for the working classes in the country. At the same time we cannot forget the various factors which have influenced and can influence welfare scheme in the country, e.g. the migratory character of the workers, lack of effective trade union organization and lack of funds with the trade unions, greater illiteracy among the workers and the various social and economic problems which are more acute in our country than in others. India is lacking the, voluntary organizations, like industrial fatigue and health research bodies' institutes of industrial hygiene and psychology and welfare societies, which are doing pioneer work by way of original research and propaganda in the field of industrial welfare, in various countries. Bigger and bolder are required to efforts should be made to overcome such difficulties in our India.

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