



## "NEW LABOUR AND INDUSTRIAL LAWS"

Dr. Samir A. Runja

(ll.m., Ph.d.) Assistant Professor, Sheth D. L. Law College, College Road, Bhuj – Kachchh. 370001.

**ABSTRACT**

Labour and Industrial Laws are very important for the development and welfare of Labours / workmen. Jurisprudence says that Law should change in accordance with changing needs and goals of the society. Indian economy, development and Make in India programme are need good Labour and Industrial Laws in India. These Laws are Skeleton of the country. Recently four labour codes i.e. (1) The Code on Wages, 2019 (2) The Industrial Relations Code, 2020 (3) The Code on Social Security, 2020 and (4) The Occupational safety, health and working conditions code, 2020, are enacted by the Parliament of India in the year 2019 and 2020 to consolidate 29 labour legislations. The Indian Jurisprudence, The Constitution of India, International Labour Organization and Human Rights are always protecting the Labour rights and ask the labour welfare. Its means Labour and Industrial issues will be decrease and litigation regarding labours will also decrease, it can make smooth lubricant to the Indian Industries.

**KEYWORDS :** Constitution of India - Labour and Industrial Law – Safety, Health, Welfare.

*"Labour is prior to, and independent of capital. Capital is the only the fruit of labour, and could never have existed if labour had not first existed. Labour is the superiod of capital, and deserves much the higher consideration"*

– Abraham Lincon's First annual Massage to Congress, December 3, 1861.

**INTRODUCTION :-**

The object of the labour laws in India are labour welfare, social security and industrial relations. Labour law in India is also known as Industrial Law / employment law. Labour laws are the bunch of Factories related solution, Minimum wages, Bonus, EPF, Gratuity, Industrial Dispute, collective bargaining and Standing order etc. Labour and Industrial law in India grew with the growth of Industry. Labour welfare is the part of the social welfare, and social welfare is the duty of the State. The founder of the Constitution of India were very aware about the Labour welfare and Industrial growth which both are two sides of a coin. The provision regarding this are the main sources of the Indian Labour and Industrial Law. As per the Indian democracy and Indian federal structure, the Schedule-VII, List-I, List-II and List-III are covers the Labour related Entries.

Industrialists always try to accumulate wealth from the industrial activity. Due to this tendency of the industrialists the gap between them and the labour class persons increases. It might result into labour – capital conflicts. Huge accumulation of wealth by the industrialists i.e. capital class leads to a struggle between "Haves and Have-nots".<sup>1</sup>

**The Major labour related problems in India:-**

1. Poverty.
2. Social status.
3. Lack of awareness.
4. Lack of education.
5. Unemployment.
6. Socio-economic status of the workers.
7. Lack of resources.
8. Political influences.

**New Labour And Industrial Laws :-**

The Parliament of India reforms the labour laws which was basic need of modern India as well as Make in India programme. The four labour codes are enacted in the year of 2019 and 2020.

**Earlier 29 labour laws are converted in to Four Labour codes, as follow –**

1. The Code on Wages, 2019.

2. The Industrial Relation Code, 2020.
3. The Code on Social Security, 2020.
4. The Occupational safety, Health and working condition Code, 2020.

(1) The Code on Wages 2019 consolidates four labour legislations. The code on wages has received assent of President of India on Dated : 08/08/2019 and was gazetted on dated : 08/08/2019.

**The code on wages, 2019 consolidates following four labour legislations -**

1. Payment of Wages Act, 1936.
2. Minimum Wages Act, 1948.
3. Payment of Bonus Act, 1965.
4. Equal Remuneration Act, 1976.

(2) The Industrial Relations Code, 2020 consolidated three labour legislation. The Industrial Relations Code, 2020 has received assent of the President of India on dated : 28/09/2020 and was gazetted on dated : 29/09/2020.

**The Industrial Relations Code, 2020 consolidated following three labour legislations –**

1. Trade Unions Act, 1926.
2. Industrial Employment (Standing Order) Act, 1946.
3. Industrial Dispute Act, 1947.

(3) The Code on Social Security, 2020 consolidated nine labour laws. The code on social security, 2020 has received assent of the President of India on dated : 28/09/2020 and was gazetted on dated : 29/09/2020.

**The Code on Social Security, 2020 consolidates following nine labour laws –**

1. Employees' compensation Act, 1923.
2. Employees' State Insurance Act, 1948.
3. Employees' provident funds and miscellaneous provision Act, 1952.
4. Employees' exchanges (Compulsory notification of vacancies) Act, 1959.
5. Maternity benefit Act, 1961.
6. Payment of Gratuity Act, 1972.
7. Cine-workers welfare Fund Act, 1981.
8. Building and other construction workers' welfare cess Act, 1996.
9. Unorganised workers' social security Act, 2008.

(4) The Occupational Safety, Health and Working conditions Code, 2020 consolidated 13 labour laws. The Occupation

Safety, Health and working condition code, 2020 has received assent of the President of India on dated : 28/09/2020 and was gazetted on dated : 29/09/2020.

**The occupational Safety, Health and working conditions code, 2020 consolidates following 13 labour laws –**

1. Factories Act, 1948.
2. Plantations Labour Act, 1951.
3. Mines Act, 1952.
4. Working journalists and other newspaper employees (Conditions of service) and miscellaneous provisions Act, 1955.
5. Working journalist (Fixation of Rate of wages) Act, 1958.
6. Motor Transport Workers Act, 1961.
7. Beedi and cigar workers (Conditions of Employment) Act, 1966.
8. Contract Labour (Regulation and Abolition) Act, 1970.
9. Sales promotion employees (Conditions and service) Act, 1976.
10. Inter-State Migrant workmen (Regulation of Employment and conditions of service) Act, 1979.
11. Cine-Workers and Cinema Theatre workers (Regulation of Employment) Act, 1981.
12. Dock workers (Safety, Health and Welfare) Act, 1986.
13. Building and other construction workers (Regulation of Employment and Conditions of Service) Act, 1996.

**CONCLUSION :-**

In the case of Honourable Supreme Court of India, in KCP Employees Assn V. Management<sup>2</sup>, the Supreme Court of India observed that-In Industrial Law, interpreted and applied in the perspective of Part IV of the Constitution, the benefit of reasonable doubt, must go to the weaker section labour.

In this regard above the major reforms regarding Labour laws will help the welfare of Labour as well as solve the Industrial dispute and run smoothly industry.

**REFERENCE :-**

1. Dr. Bhagyashree A. Deshpande, Textbook on New Labour and Industrial Laws. 1<sup>st</sup> Edn. (First Print) (Central Law Publication)
2. AIR 1978 SC 474.