
LABOUR CLASS AND SOCIAL JUSTICE

(ROLE OF ILO, LABOUR LAWS AND INDIAN CONSTITUTION)

Guriqbal Singh

Research Scholar of History, Panjab University, Chandigarh, India

Abstract

No one can deny the roll of labourer in industries for the development of a nation. India is a developing country and a major portion of its population is working in the productivity field and betterment of workers, means the real growth of any country. Indian constitution mentions labour and industrial laws that always gives the social justice to this class. With motivation of International Labour Organisation, Indian labour class organized as trade unions to protect their rights and social justice and raised the voice of labourer by democratic way and fight against exploitation and discrimination with the tool of collective bargaining with employee. This research focuses on spread the light of social justice among labour class in India with the help of Labour laws and International Labour Organisation.

Key Words: - Indian Constitution, ILO, Trade Union, Labour Laws, Social Justice.

INTRODUCTION

Industrialisation and labour class are playing a vital role in the economic formation of the all societies in the world, especially in developing countries. All over development of a county is depending on the relations between employer and employee. This connection is one of the most significant events of achievement of the industries based plane. In India, the working class and industrialists are two pillars of our economy. The idea of social justice is generated in industrial field and British government makes several laws for this purpose in colonial period. Working class always fought for their rights and justice. Labour class protects the economic and social justice with the help of Indian constitution, International Labour Organisation, trade unions and judiciary. Labour class is the major part of man force and population of India. Development of this class means the actual improvement of India, but there are a lot of causes behind remain injustice in facilities, wages, discrimination on workplace, low wages to women workers and child ;about in industries and many more. So this struggle is going on the national and international level. International Labour Organisation and Trade Unions always organized the labour class to get their rights to equality and social justice in every country including India. In the constitution of ILO, the preamble is describe to maintain the social justice of labour class with create good slandered of it.

OBJECTIVES OF THE STUDY

The objective of the study is to elaborate the theme of social justice among labour class of India. The Indian Constitution provides many provisions for social justice for every citizen of it. International Labour Organisation is working to organized working class as trade unions, for social justice and their rights. Both of institutions are center of attention of this research.

SOCIAL INJUSTICE AND LABOUR CLASS

Social injustice is an opposite concept about the claimed unfairness or injustice of a society in its distribution of rewards and burdens and other incidental inequalities. Unequal distribution of profit and wages gave the birth to the rich and the rest with poverty among labour class. The industrial labour class in India is in very poor condition, standard of living is low, compare to other classes. With the effect of this evil of poverty, labour class lost their productivity and their health also. Low economic condition, lacks of social security, no assurance of regular jobs, uncertain future of their children, their division into classes, based on religions and castes make them politically and socially weak, this division play a big role to remain them unorganised. Child labour and women discrimination on work place is also appearing. This concept can differ for different worldviews of persons and societies.

SOCIAL JUSTICE IN INDIAN LABOUR CLASS AND ROLE OF ILO

The ILO was born in the wake of the first world war. It arose out of major concerns at the beginning of the 20th century there were increasing demands for effective social policies to counter the visible and evident evils of unregulated capitalist development, including excessive working hours for miserable wages, intolerable, often dangerous conditions of work, lack of respect for human rights and extensive exploitation of labour.

There was widespread support for the idea that peace had to be built on social justice, and that this called for an international organisation that could channel and respond to the demands of workers. The Paris Peace Conference of 1919 took up this challenge. In creating the ILO, it adopted a series of radical and innovative ideas. The new organisation rapidly started to build a framework of standards. In its first 10 years, it adopted 28 conventions covering hours of work, safety and health, protection of vulnerable groups, social insurance and other labour issues.

India was a founder member of the ILO, the only non-independent country to be so. Indeed, this was not much appreciated by some other founder members, who regarded it as a way of giving an additional vote to the British Empire. Nevertheless, in 1922, India became a permanent member of the ILO's Governing Body. For trade unions, rather weak and local in nature before the war, participation in the ILO was the stimulus for the creation of the All India Trade Union Congress (AITUC) in 1920, and an important factor in the development of an independent trade union movement in British India. The AITUC was very close to the Indian National Congress (INC) in the 1920s, indeed it was presided over by top party leaders (including Nehru in 1929) Ahmedabad Textile Labour Association, also created in 1920, pursued this philosophy. The INC included in its platform a demand for minimum rights of labour, which reflected several ILO priorities, including a living wage, limited hours of work, healthy conditions of work, protection against the economic consequences of old age, sickness and unemployment, freedom from serfdom, protection of women workers, prohibition of child labour and the right to form trade unions. In 1928, the ILO opened a branch office in Delhi, the first in Asia and its first director was P P Pillai. Not in India, the rest part of the world as like there was initially great skepticism about the role that the government and the law should play in achieving social justice for workers. It was felt that if workers were to challenge the lack of social power (or inequality of bargaining power) in their employment relationship, then this could only be achieved through collective bargaining: the 'spontaneous creation of a social power on the workers' side to balance that of management'. In 1952, International Labour Organisation has adopted the Social Security

(Minimum Standards) Convention, which embodies universally accepted basic principles and common standards of social security. The application of these principles has guarded developments of this field throughout the world. Accordingly, in India, a number of social security legislations have been enacted from time to time to promote the condition of the labour keeping in view the development of industry and national economy. We can see the changing roll of trade union to provide and protect the social justice of labour class now days. From January 1, 2014 to February 29, 2016 a project was started by ILO and with the help of Government of Norway to motivate the National Trade Unions of India to work for social justice amonge the Labour class. It conducts targeted activities in Assam, Andhra Pradesh, Telangana, Bihar, Maharashtra, Uttar Pradesh, and West Bengal through the Joint Action Forums (JAFs) formed by NTUOs in these states.

ROLL OF LABOUR LAWS AND CONSTITUTION IN SOCIAL JUSTICE

The idea of social justice has become an essential part of industrial law. It is founded on productivity, and management has to create conditions in which workers can make their maximum contribution towards this objective. In this connection, the social and economic development of the labour is very important for securing industrial peace. With the growth of industrial jurisprudence the concept of master and servant has been abolished and in that place the employer and employee concept came out, where the former may hire the latter but he can no more fire them at his will. The interest of an employee is now in many respects protected by legislations. In an industrial set-up social justice implies two things; first an equitable distribution of profits and other benefits accruing from industry between the owner of the industry and workers; and secondly, providing or affording protection to the workers against harmful effects to their health, safety and morality.

The Constitution of India has affirmed social and economic justice to all its citizens. The Constitution has admitted the fact that it is only in the 20th century the concepts of social justice and social security, as integral parts of the general theory of the Welfare State, were firmly established. The right to social security has been recognized in order to ensure means of livelihood in loss of employment or disablement during employment.

FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLELS

The fundamental rights and the directive principles of state policy enshrined in our Constitution need a special mention in view of their supreme importance in directing and influencing the labour legislations in the country. These provisions provide sufficient guarantee against exploitation. In this regard Article 24 of the Constitution specially provides that “no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.” Likewise Article 38 says that “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 institution or the national life”. Article 39 ordains that it shall be the duty of the State to apply certain principles of social justice in making laws. Thus, it specifically says that “the State shall, in particular, direct its policy towards securing -

1. that the citizen, men and women equally, have the right to an adequate means of livelihood;
2. that there is equal pay for equal work for both men and women;

3. that the health and strength of workers, men or 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;
- 4) 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.

The Constitution of India further provides¹ that the State shall, within the limits of its economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, etc.

Article 42 again directs the State that it shall make provision for securing just and humane conditions of work and for maternity relief. The State shall also 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, conditions of work ensuring a decent standard of life and full enjoyment of leisure etc.

Article 43 - A further provides that 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.

Social Security vis-a vis Social Justice of Workers

The concept of social security has become an integral part of social justice. It is based on ideas of human dignity and social justice. The underlying idea behind social security measures is that a citizen who has contributed or likely to contribute to his country's welfare should be given protection against certain hazards. Social security means a guarantee provided by the State through appropriate agencies, against certain risks to which the members of the society may be exposed. Its measures are significant from two view points, i.e. they constitute an important step towards the goal of a welfare state; and secondly, they enable workers to become more efficient and thus reduce wastage arising from industrial disputes. Lack of social security impedes production and prevents formation of stable and efficient labour force. Therefore, social security measures are not a burden but a wise investment which yields good dividends. Some of these enactments are as follows:

The Workmen's Compensation Act, 1923

This Act is one of the earliest measures adopted to benefit the labourers. It was passed in 1923, but came into force on 1st July, 1924 and was originally applied to railway, tram, factory, mine, sea, dock, building, trade, and sewage and fire brigade workers. The Act provides compensation for death, permanent total disablement, permanent partial disablement and temporary disablement caused either by accident or by occupational diseases, in the course of and arising out of employment. It laid down compensation according to the degree of injury sustained while on duty.

The Trade Union Act, 1926

A trade union, in common parlance, means an association of workers in a particular craft or industry for the purpose of maintaining the conditions of their lives. In legal sense, it means a combination whether permanent or temporary, formed primarily for the purpose of regulating the relations between workmen and employers; or between workmen and

workmen; or between employers and employees; or imposing restrictive conditions on the conduct of any trade or business. The main function of trade unions is to enable the workers to act together. An individual, by himself being in a weak bargaining position to negotiate with employers, the strike being the weapons of last resort to be used by the Trade Union only after negotiations have broken down. The Act contains detailed provisions for formation, procedure, registration, including conditions of registration, advantages of registration and the immunities available to the union leaders both from civil and criminal laws while engaging themselves in the union activities of a registered Trade Union.

The Industrial Employment (Standing Orders) Act, 1946

The absence of standing orders in industrial establishments was one of the most frequent causes of friction between the management and workers in industrial undertakings in India. To avoid this friction, the Industrial Employment (Standing Orders) Act was passed with the objects to regulate the conditions of recruitment, discharge disciplinary action, holidays etc. of the workers employed in industrial undertakings.

The Industrial Disputes Act, 1947

The Industrial Disputes Act, 1947 is a progressive measure of social legislation aiming at the amelioration of the conditions of workmen in industry. This Act intends to minimize the conflict between labour and management and to ensure, as far as possible, economic and social justice.

The Minimum Wages Act, 1948

The Minimum Wages Act was passed in 1948 for the welfare of the labourers. This Act has been enacted to secure the welfare of the workers in a competitive market by providing for a minimum limit of wages in certain employments.⁸ The main object of this Act is the statutory fixation of minimum wages with a view to obviate the chance of exploitation of labour. The Act provides for the fixation of a minimum rate of wages for time work; a minimum rate of wages for piece work; a guaranteed time rate; and an overtime rate, for different occupations, localities or classes of work and for adults, adolescents, children and apprentices. However, like other branches of labour legislations the security of industrial peace and efficiency may be kept in view when giving effect to the provisions of this Act. It may also be observed that this Act is in consonance with Article 43 of the Indian Constitution providing for living wage, conditions of work ensuring a decent standard of life etc.

The Employee's State Insurance Act, 1948

This is important social security legislation. This piece of legislation aims at bringing about social and economic justice to poor labour class. The object of the Act is to introduce social insurance by providing certain benefits to employees covered under this Act in case of sickness, maternity and certain other matters. It is the first measure of social insurance which provides benefits financed from the contribution of employees, employers and the Government.

Maternity Benefits Act, 1961

This Act was enacted with an object of doing social justice to women workers. This is a social welfare legislation making provisions to provide different kinds of benefits to female

wage earners. The Act was passed to regulate the employment of women in certain establishments for certain period before and after child birth.

CONCLUSION

The ILO and India continue to face common challenges. Another is the implementation of a universal social and labour policy in economies where the bulk of workers are outside the formal sector. Workers are the dominant partners in the industrial undertakings and without their cooperation, effort, discipline, integrity and character the industry cannot survive. Therefore, there should always be a good relationship between the employer and employee which is very important. At the same time, as mentioned above with the help of The Constitution's provisions, the workers must be safe, secured and they should be provided with sufficient welfare measures, healthy working conditions so that not only the employers will be benefited but the society and the nation shall also get the positive result.

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